INTERVIEWS OF WITNESSES

BEFORE THE

SELECT COMMITTEE ON THE EVENTS SURROUNDING THE 2012 TERRORIST ATTACK IN BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, 2012–2016

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INTERVIEW OF CHARLENE RAE LAMB

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

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SECOND SESSION

HELD IN WASHINGTON, DC, JANUARY 7, 2016

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Ms. Betz. Good morning.

Ms. Lamb. Good morning.

Ms. Betz. This is a transcribed interview of Charlene Lamb conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and related matters, pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Would the witness please state her name for the record?

Ms. Lamb. Charlene Rae Lamb.

Ms. Betz. The committee appreciates your appearance at this interview today. Good morning. My name is Kim Betz, as I mentioned, with the committee's majority staff. And I'd also like to take this opportunity for everybody to introduce themselves again around the table and in the room.

Ms. Lamb. Okay.

Ms. Jackson. Sharon Jackson with the majority staff.

Ms. Sachsman Grooms. I'm Susanne Sachsman Grooms with the minority staff.

Ms. Sawyer. Heather Sawyer with the minority.

Mr. Kenny. Peter Kenny with the minority staff.

Ms. O'Brien. Erin O'Brien, minority.

Mr. Rebnord. Dan Rebnord with the minority staff.

Ms. Welcher. Alison Welcher, State Department.

Mr. Snyder. Eric Snyder, State Department.

Mr. Missakian. Craig Missakian, majority staff.

Ms. Clarke. Sheria Clarke, majority staff.

Mr. Davis. I'm Carlton Davis.

Mr. Kiko. Phil Kiko with the committee.

Ms. Betz. Before we begin, I'd like to go over some of the ground rules and explain how the interview will work today. Generally the way that we ask questions is that a member from the majority will ask questions first for up to an hour and then the minority will have an opportunity to ask questions for an equal period of time if they choose.

Questions may only be asked by a member of the committee or a designated staff. It has been our practice to rotate back and forth 1 hour per side until all of the questions are asked and then the interview will be over.

Unlike a testimony or a deposition in Federal court, the committee format is not bound by the rules of evidence. The witness or their counsel may raise objections for privilege, subject to review by the chairman of the committee. If these objections cannot be resolved in the interview, the witness can be required to return for a deposition or hearing.

Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions. This has not been an issue we've encountered in the past, but I wanted to make sure that you were clear on the process.

This session will be unclassified. If any question calls for a classified answer, please let us know, and we'll figure out a way to

resolve it.

You are welcome to confer with your counsel, and you have State Department counsel with you, at any time throughout the interview, but if you need something to be clarified, we ask that you ask us to clarify it, and then if you need to discuss anything with your counsel, we will go off the record and stop the clock to provide you with that opportunity.

We'd like to take a break whenever it's convenient for you. This can be after every hour of questioning, after every couple of rounds, whatever you prefer. During a round of questioning, if you need anything, glass of water, use the facilities, to confer with your counsel, please let us know, and we'll go off the record and stop the clock. We want to make this as easy as possible for you.

Ms. Lamb. Okay.

Ms. Betz. And as you can see, we have an official reporter taking down everything you say to make a written record, so we ask that you give a verbal response to all the questions, yes or no, as opposed to nods of the head.

I'm going to ask the reporter to please feel free to jump in in case you do respond nonverbally. Do you understand that?

Ms. Lamb. Yes.

Ms. Betz. Just for the record, we're joined by Congressman Westmoreland from Georgia.

So continuing on, we should both try not to talk over each other so it's easier to get a clear record. We want you to answer our

questions in the most complete and truthful manner possible, so we will take our time and repeat or clarify our questions if necessary. If you have any questions or if you don't understand any of our questions, please let us know, and we'll be happy to clarify it or repeat it if necessary.

If you honestly don't know the answer to a question or do not remember, it's best not to guess. Please give us your best recollection, and if there are things that you do not know or can't remember, just say so and let us know who, to the best of your knowledge, may be able to provide a more complete answer to that question.

You are required to answer questions from Congress truthfully. Do you understand that?

Ms. Lamb. Yes.

Ms. Betz. This also applies to questions posed by congressional staff in an interview. Do you understand this?

Ms. Lamb. Yes.

Ms. Betz. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or making false statements. Do you understand this?

Ms. Lamb. Yes.

Ms. Betz. Is there any reason you are unable to provide truthful answers to today's questions?

Ms. Lamb. No.

Ms. Betz. Okay. That's the end of my preamble.

Does the minority have anything that they would like to add?

Ms. Sawyer. Yes. Just briefly. Thank you for agreeing to be here voluntarily and answering questions and traveling up from Florida to be with us today.

Ms. Lamb. Oh, you're welcome. The work you all are doing is very important, and I appreciate that.

Ms. Sawyer. And it's our understanding, we know that you've spoken with Congress before, including a transcribed interview with the Oversight and Government Reform Committee in October of 2012?

Ms. Lamb. That is correct.

Ms. Sawyer. Just so you know, that this committee also has had benefit of that transcript. We have that from the other committee.

Ms. Lamb. Okay.

Ms. Sawyer. And witnesses previously have been given an opportunity to review prior testimony. Have you been given that opportunity to review that transcript?

Ms. Lamb. Yes, I have.

Ms. Sawyer. Great. Thank you.

Ms. Lamb. Uh-huh.

Ms. Betz. I probably should add, in addition to the interview, you were -- you testified before Congress in a public hearing as well.

Ms. Lamb. Correct.

Ms. Betz. And have you had that opportunity to look at that transcript?

Ms. Lamb. No, I did not.

Ms. Betz. So it is now 9:16 and we'll start our first hour.

Ms. Lamb. Okay.

EXAMINATION

BY MS. BETZ:

Q Again, thank you for taking the time to be here and to answer the committee's questions. We really look at this as an opportunity to dig a little bit deeper into the decisionmaking process as it relates to the security program at the Benghazi Mission. Just want to get a little bit sense of your background. What is your experience prior to joining the State Department?

A I spent almost 10 years as a police officer in Southern California. Do you want me to just continue with my background?

Q Yes. Whatever you're comfortable doing.

A Okay. I did receive several awards during that period of time. Then I joined the State Department, where I spent 27 years, and started as an entry level DS agent, Diplomatic Security agent, and rose through the ranks to become the first deputy assistant secretary in DS, first female.

I served in five overseas posts. They included Nicaragua, Tanzania, Kuwait, Guatemala, and Berlin. I also served two tours on our Mobile Security Division prior to my first overseas assignment.

Following my 17 years of overseas experience, I then came back and was put in charge of the Diplomatic Security Training Center, and this included oversight of the Mobile Security Division as well as the antiterrorism group that DS works with. And then I went from there, I was promoted and went to be the deputy assistant secretary for

Diplomatic Security overseas operations and programs.

I also very early in my career, I did a long-term TDY in Beirut. It was actually my first overseas assignment, and this was during the height of the civil war there in Beirut.

I retired in July 31st of 2014, so I'm a year and a half into retirement at this point --

Q Great.

A -- and I'm enjoying it. And I will apologize up front. When I left Washington, D.C., I rolled into a whole different lifestyle, and I have not continued to live and breathe State Department policy, programs, and other things. So if I say I don't recall something, please, it's not because I don't want to be helpful, because it's very important, the questions you're asking, but without having a paper put in front of me to refresh my memory, I just may not recall some information.

Q And that's totally fine. And we have a number of documents to help refresh your memory as well.

A Okay. Perfect. Thank you.

Q Could you describe your responsibilities as the deputy assistant secretary for DS/IP programs?

A IP programs. Yes. My responsibilities during my tour -- I spent 6 years in charge of that, and I think I was the longest sitting, even to date, supervisor in that position, and during that time, I was responsible for the entire world. That included all diplomatic embassies, missions, outposts.

At the time, there were approximately 285 different locations. If you sat down and counted all of the employees under the security umbrella, there were about 35,000 employees. So if there was a misstep by an employee or an incident involving any of our security employees, it came across my desk.

I was responsible for staying on top of threat information for the entire world and I was also in charge of the changing environment in different places. You know, we're talking specifically at the timeframe of 2011 and 2012 during this hearing, I believe, but during that timeframe, in Iraq we were transitioning from military security control to State Department security control and oversight.

This was huge. This was the biggest operation Diplomatic Security ever took over, and we had joint meetings with the military and the State Department on a regular basis. The lead for the State Department was Pat Kennedy as special assistant and I was the State Department lead for security. And I was often asked to step in if he was unavailable for these meetings. So we had a very, very close working relationship, but you know, I will not go into the detail of that transition here, but it was huge, and if it wasn't done correctly, it could have been catastrophic. So I would eat, sleep, and breathe Iraq during this period.

We also were standing up operations in Afghanistan at the same time, and we were staffing large numbers of DS agents to support the growing programs in Afghanistan.

Sana'a was on very, very shaky ground at that time. We were

providing a lot of extra assets and support for the security situation at the compound in Sana'a. And then, of course, as we drew closer, there were all kinds of demonstrations at multiple locations across the world, and so it was just daily. I had to stay on top of everything.

I had a large staff in Washington. We were broken down regionally. So we had a desk officer, and then a desk officer for a region would have four to five staff who would assist them in, you know, breaking down and dividing up the different countries.

And then the most important things would come up to my attention. And I had a deputy assistant who also took care of the day-to-day things and would make sure that the important things were coming up to my level.

Q So both the staffing and the physical security elements of those missions, outposts were under your portfolio, if you will, under your direction?

A Yes, yes.

Q What decisions, then, fell under sort of the purview of the assistant secretary for DS?

A Are you referring to Eric Boswell?

Q Uh-huh.

A I had a very large budget, and things that were routine and within the standards, we just would routinely do these things. Anything that was exceptional or out of the ordinary or if the threat levels in that country were so high, unaccompanied post, all the decisions were, you know, at least cc'd and informed going up the chain of command.

So, for example, something very small, TDY personnel going out to a post, if it was an unaccompanied post where there was a high threat, per the guidance within the State Department at the time, only essential personnel could go TDY into that country, because we didn't want to jeopardize people unnecessarily, their safety. Assistant Secretary Boswell would look at those, I would look at those requests, and Pat Kennedy actually had the final approval on who would go into the highest threat countries. So it would vary from post to post, is what I -- it's not a clearcut answer, so I apologize, but --

Q No, that's okay. But is it safe to say, then, Undersecretary Kennedy would have the approval over both staffing and physical security when it rose to his level? I mean, I guess would those decisions have to have his sign-off?

A It would depend --

Q And I'm speaking generally.

A Generally, yes. For example, if you're building a new facility, Pat Kennedy was very conscientious and very focused on making sure everyone was doing the right thing as we stood up new programs. So he held his own very large staff meetings that included following the progress that the different sections were making in standing up new programs, and asked a lot of tough questions. And he made sure people had the resources that they needed to do their job in these high threat environments.

Q So he was very hands-on, so to speak?

A He was, he was.

Q Micromanaging?

A No, not at all.

Q Okay. So let me take you back, then, to the afternoon and night of September 11. And I think you've testified previously that you were in Washington, D.C.

A Yes.

Q Is that correct?

A Correct.

Q And how did you first learn of the attacks?

A I was in my office, and I received a phone call, I don't remember if it was directly from the command center or if it was from the desk officer, but I received a phone call that notified me that there was a problem.

Q And that's what they said, it was a problem? Did they elaborate? Did they tell you anything more?

A They said that they had the RSO on the phone and that the compound was under attack. And I didn't ask any more questions. I believe I notified Scott Bultrowicz, and we both went down to the command center.

Q Did you notify Assistant Secretary Boswell?

A That would have been Scott Bultrowicz's job, or it may have even been the command. Generally the command center, if there was a problem like that, they would notify all of us almost simultaneously.

Q And so once you learned of the attack, then what did you do?

A I had a liaison officer that worked for me who had employees that worked in the Annex there, so I immediately called him on my way down to the command center and asked him to join me in the command center. And when we went in there, we initially tried to assess the situation the best we could, and then we started working on trying to identify security assets who could help them with the situation that was unfolding.

Q And what assets would those have been?

A Assets that were at the Annex facility. We made phone calls to Stuttgart, to AFRICOM and EUCOM to see if they had any assets in theater that were nearby that could possibly be drawn on for additional support.

Q And did you discuss those assets and deployment with PDAS Bultrowicz or Undersecretary Kennedy?

A Yes. PDAS Scott Bultrowicz was in the room, he was on the phone with Pat Kennedy and Eric Boswell, and he was relaying information. As we were getting information in, he would relay it to them --

Q And so how often --

A -- was my best recollection.

Q How often would you say you were in contact with Undersecretary Kennedy that evening?

A I didn't speak to him at all that evening.

Q So it was just primarily the PDAS --

A Yes.

Q -- that spoke with him?

A Yes.

Q And was the DS command center your only source of information that night or were you in constant contact with the Annex as well via your liaison?

A Yes. My liaison had constant contact with the Annex. We had almost full-time connection to the DS agents that were on the ground, and then we were -- you know, towards the end, we were getting information off of Twitter and public media. So those were our primary sources of information.

Q Now, it's our understanding that the command center had the capability to feed into the compound via camera. Was that a capability that you were aware of? Did that occur?

A Could you rephrase the question?

Q To get realtime, to video feed into the camera, that there was a way to tap into the compound's camera so that you could see realtime what was going on?

A Which compound are we talking about?

Q The Benghazi, the State Department compound.

A State Department. No, there was not that capability at that time.

Q There was not that capability?

A No.

Q Okay.

A No. At that time, there was not.

Q So you were just getting information --

A It was all verbal over the phone.

Q Verbal over the phone.

A Correct.

Q And did you speak with any of the DS agents on the ground that evening?

A I did speak with [redacted] --

Q Okay.

A -- occasionally throughout the evening.

Q Do you recall how many times you spoke with him?

A No, I do not.

Q Do you recall any of the conversations that you had with him?

A It's hard for me to discern at this point, because we're 3 years out from what's happened --

Q I understand.

A -- but there was information he was just providing that because it was coming across the room, you know, I was hearing it and then what we actually talked about. The clearest conversations that we talked about were once we -- he identified the injured agents, the smoke inhalation problems that some were having and then the injuries at the Annex, we were discussing that primarily.

Q Did he talk at all about an attack? Did he talk about potentially how many individuals were there, what type of weapons they used?

A Right. He had visibility on the cameras and we did. We specifically asked him, you know, what type of an attack was this? And to the best of my recollection, again, at this point, was that he said it sounded to him like a large demonstration instantly erupted at the gate. It wasn't like a chanting mob moving down the street where you hear the sound coming towards you. He said it was like instantly he could hear chanting and yelling and he could hear a lot of people. It drew his attention to the cameras.

He saw them coming through the front gate. And he said -- I said, well, you know, what type of an attack is this? And he said, I honestly don't know. He said, there's a mixture of people in normal street clothes, there's young people, there's old people, and there are a handful of people highly armed wearing military-type, you know, combat gear.

And then as it progressed, he talked about seeing people in the cantina rummaging through the food stocks and drinking sodas. And then he talked about people that were stealing their clothes out of their rooms and coming out with hangers with their suits on.

So it was, you know, it was very odd. At that point in time, it was very hard to discertain was this a military style attack that was well coordinated with trained people who had, you know, done prior research and had a disciplined group or was this a small group of perhaps disciplined people who had joined into a mob of opportunity and then showed up at the gate. So we didn't know for sure exactly what was happening that night as it was unfolding.

Q So would you say that's sort of like a summation of all of your phone calls with him, or was that, you know, one discrete phone call that he described in that detail?

A No. This was, like, unfolding over the course of the evening. I mean, he was making realtime decisions, he was coordinating with members from the Annex, he was in communication with the people on his team that were in separate locations, because they weren't all together when this happened, they were locked down in different places. So that was not the time for us to interview or interrogate him.

Q No.

A So this was bits and pieces of information that during certain points of the evening, he had the time to relay this information to us.

Q But in his first phone call with you, what was his initial sort of comments or description?

A What we just talked --

Q Okay.

A I mean, basically he did not know what the attack was or why it was happening or who it was.

Q Okay. And this is [redacted]?

A [redacted]. I mean, [redacted] -- I --

Mr. Westmoreland. [redacted]

BY MS. BETZ:

Q [redacted]

A [redacted] yes.

Q Okay. Not [redacted] who was in the TOC?

A I don't recall right now who was -- it was whoever called the command center.

BY MS. JACKSON:

Q If I could, does the command center keep sort of a running log of the calls? Is anybody transcribing and creating, memorializing in any way what is being said?

A Right. You will have to ask them. I don't know what their protocol is.

Q You didn't see anyone doing that?

A Everyone had yellow legal pads in front of them and were taking notes and writing, but I don't know what they were instructed to keep track of and what they weren't. That wasn't my area of responsibility.

Mr. Westmoreland. I was going to say, [redacted] was not the RSO, correct?

Ms. Lamb. In Benghazi? I'll be honest, they rotated every 30 days. I am not sure which one of them was in charge that -- as the designated RSO.

Mr. Westmoreland. But you don't know where [redacted] was, at the time the attacks started?

Ms. Lamb. Now that you've said [redacted], I believe it was [redacted] who was in the command center and it was actually [redacted] who had the inhalation problem, and he was the one with the Ambassador.

And, again, I apologize. I have not reviewed these documents and

information. And it will come back to me in floods as we, you know, walk through this.

Mr. Westmoreland. We're just trying to make sure we understand.

Ms. Lamb. I know. And I apologize if I'm confusing you all, but I'm doing the best I can here.

Ms. Betz. So I'd like to show you a document --

Ms. Lamb. Okay.

Ms. Betz. Which we'll mark as Exhibit 1.

[Lamb Exhibit No. 1
Was marked for identification.]

BY MS. BETZ:

Q And I'll give you time to read it. And for identification purposes, it's State Department document C05388896, dated September 11, 2012. And it's from the witness to a [redacted].

A Okay.

Q So do you recognize this email?

A Actually, I do not. I mean, I'm sure I wrote this, but I don't recognize it.

Q Do you recall who [redacted] is?

A Yes. He was, I believe, the second in command of the Mobile Security Division.

Q And it's a series of emails. So there are two emails, and the last email is from you to him, and you say, Benghazi is bad news. And I just wanted to dive into that a little bit more.

What did you mean by Benghazi is bad news? And I'm looking at

the time, 9:02 p.m. Is there certain information that you had at that point?

A I don't -- because I don't recall this and I don't know what came before this, I assume that -- I don't know if this email was written before or after the incident. So, I mean, I don't know how to answer what you're asking.

Q Well, later that evening -- so if the incident started 3:42 p.m. eastern time and this email is now 9:02 p.m. eastern, my understanding is the event -- or the attack would have started and that there was some information that you had that would sort of elicit this response from you.

Mr. Snyder. Are we sure the 9:02 is eastern standard? I know the times get a little whacky, and I don't know where Mr. [redacted] was at the time.

A Correct. I mean, if the attack was in progress and unfolding, that would be -- and I said it's bad news, that would indicate to [redacted] as the second in charge that he would need to be -- you know, anything that was bad news anywhere in the world, MSD would start, you know, preparing to deploy.

Q Correct. Well, let's go to the underlying email --

A Okay.

Q -- and I'll read what he writes to you in sort of the first couple of sentences.

Ma'am, don't know what's being communicated, but I know you saw visas being submitted for two separate teams to cover Libya and Egypt

both. Additionally, [redacted] is pulling imagery in the morning for both and one of ours that served in Benghazi. Will conduct a briefing with the teams that would deploy discussing compound layout. We have several folks that are still in MSD that did Cairo, so we know the layout and folks are briefing it.

Does that help refresh your memory?

A Okay. If he is briefing me on that, that means that amongst the phone calls and the assets that we were reaching out to in the early stages, I would have made the call or had someone make the call to [redacted] to tell him that there was an attack in progress in Benghazi. And the Mobile Security Division is our go-to team to come in as quickly as they can get to a place to maintain security and assist the RSO after an incident. So that would fall in line with this email.

Q And do you recall visas being submitted, and would those visas be submitted for the MSD teams that you were describing?

A The visas were a logistical issue that had to be --

Q Correct --

A -- so, I mean, I didn't get involved in the visas. I'm not sure.

Q I'm just wondering if the visas are for the teams or are the visas being submitted for another asset other than the MSD teams?

A This would have been for their teams, yes --

Q Okay.

A -- because at that point, they had to have visas to get in there.

Q Okay. And then the reference to, Benghazi is bad news?

A Well, it's never good news when a facility is under attack.

Q At that point, did you have any awareness of the status of the Ambassador?

A I have no idea where this email fell in the timeline.

Q Okay. In the days after the attack, were you consulted or asked to review any type of talking points drafted by the State Department, by DS?

A After the --

Q After the attack.

A Yes.

Q In the days after.

A Yes.

Q And so did you feel like those talking points reflected an accurate assessment of what was going on or had gone on?

A If I didn't, I edited them and sent them forward with my recommended changes.

Q Okay.

BY MS. JACKSON:

Q And by "talking points," what do you mean? Can you describe what you would have reviewed?

A Well, in my position, it was daily: talking points, Freedom of Information, redactions, congressional inquiries. I mean, I started my job in DS/IP 3 days after Nisour Square. And for a year I answered and cleared on press releases from the Department and all

kinds of requests for information, and it was my job to read it and make sure that it was factual and that nothing had been missed by my staff who were the subject matter experts for whatever information was being requested. So clearing things was a routine daily thing that I did as part of my job.

BY MS. BETZ:

Q Let me go back. I want to go back to the night of the attack. I wanted to ask you one additional thing.

Among those assets that you were contemplating and discussing, did you discuss ever deploying the FEST?

A No.

Q That was not brought to your attention?

A No, no. The FEST is -- they're a wonderful asset, they're a great team, but they primarily focus on providing a strong communications package, policy experts, and investigative abilities.

They have a dedicated plane for rapid response, but even their rapid response, I believe the plane was actually being housed in New Jersey, and it would come into Andrews Air -- and it would take 2 hours to get it from New Jersey to Andrews Air Force Base. And then the team would assemble here, whoever the appropriate people from respective agencies that were needed for the situation would all come together and then they would all jump on the plane and they would all deploy.

Because we were half a world away and this was unfolding immediately, the FEST does not carry armed individuals and it would not land and open the doors with a rescue or emergency response team

on board. That's not what they did. So in this particular case at that particular time we were in the command center, it was not considered as an immediate need for that team.

Q What types of assets would have been or, in your mind, were immediate that could be easily deployable?

A Any military assets in the region. Our military is very robust in training and working together as partners in foreign countries around the world, so by us immediately making phone calls to EUCOM and AFRICOM just trying to find, you know, did they have any assets in training anywhere nearby that we could get on a plane and get there to assist, that was our main focus originally.

Q And were you having those conversations with DOD or were others within DS having those conversations?

A In the command center, we had people dedicated to making phone calls to the military. My Annex liaison was dedicated to their -- and likewise, he was also reaching out for their assets that may have been deployed regionally as well that could possibly have been of any assistance.

Q And what were you being told by your military liaisons in terms of what assets were available?

A If I remember correctly, it came in through Scott via Pat Kennedy and post, there was some sort of small group in Tripoli, that they were able to respond and send over to the airport, and so they were working on that.

The only thing we were able to get immediately, they were able

to reprogram and reposition a drone, which gave us some oversight, but it did not get there until it was time to make the move to the airport. So it got there, but it was later in the event.

Q And then the FAST team, were you involved in assisting or facilitating the deployment of the FAST team that arrived in Tripoli later?

A Later. Pat Kennedy would have requested that on behalf of -- and then the RSO supported the FAST team in providing them close liaison and security coordination.

Q How did you decide who -- so it sounds like Pat Kennedy was in contact with DOD and then others were in contact with DOD. Were you just reaching out to your different points of contact or did you have different tasks to whom you were going to reach out to within DOD, or was it just a free-for-all and calling whoever you wanted within DOD?

A It wasn't a free-for-all, but we all worked at different levels. And obviously because of my involvement with Iraq and the Iraq transition, I got to know people personally on the DOD side that were at the working level. The people who would have the schedules with where the assets were, where Pat Kennedy was calling people at his level who then had to, you know, go down and ask the same questions, you know, where are our training assets. You know, most people at that level would not know off the top of their head. So we were generally asking the same questions at different levels.

Q Okay.

A If that helps.

Mr. Snyder. Point of clarification. You said FAST team earlier that Pat Kennedy would very requested the FAST, F-A-S-T, correct?

Ms. Lamb. Yes.

Mr. Snyder. Okay.

BY MS. JACKSON:

Q You said that your Annex liaison was in the command center with you that night as the attacks were unfolding. Was he there the entire evening for the duration?

A He was there as long as I was, yes.

Q Okay. Do you recall, I mean, were you there till midnight, past midnight? Was there a point in time when --

A We were there until it was over.

Q And until everyone had evacuated from Benghazi?

A Yes.

Q So wheels up from the airport?

A I did not go home until they landed.

Q In Tripoli?

A In Tripoli.

Q Okay. And the Annex liaison was there the entire time?

A Yes.

Q Okay.

A We left together that morning.

Q And even after they left the compound and went to the Annex, did you continue to have continuous conversations with your DS

personnel that were on the ground in Libya?

A No.

Q No. Okay. How did you get reports after they went to the Annex that evening?

A There were updates that came in through the desk officer level, but they had a lot to do, and because of what had happened in Benghazi, they needed to do a quick reassessment of our resources in Tripoli and they had to, you know, potentially readjust and make sure they had the right people in the right places based on what had just happened in Benghazi.

Q Okay. So those updates kept coming in?

A They kept coming in, yes, but --

Q Okay. And would the Annex liaison have -- would he be privy to that information also as those updates came in?

A Yes. I mean, because we had regular meetings for the next several days to continue sharing information.

Ms. Betz. So the desk officer who was the recipient of that information would then distribute it to those who were in the command center, including the Annex liaison, the DOD liaison.

Ms. Lamb. Okay. I think we're getting confused, because you're talking about the day after and going forward, correct?

BY MS. JACKSON:

Q I was talking the night of the attack, during the attack.

A Okay. Excuse me.

Q Okay.

A I misunderstood your question.

During the attack, we were all physically elbow to elbow in the same room, and everybody was sharing information.

Q And so the Annex liaison heard all of that information as it was coming in?

A Exactly.

Q Okay.

A Exactly.

Q And do --

A We shared everything.

Q Was it your understanding that your Annex liaison, who heard these firsthand accounts of what had occurred in Benghazi, was relaying that information to his counterparts at CIA headquarters?

A I don't know who he relayed them to, but he was given all the information to share as appropriate through his chain of command.

Ms. Betz. Do you recall the names of the liaisons that were with you in the DS command center? The Annex liaison, do you recall his name, or the DOD liaison?

Mr. Snyder. The agency liaison might be a problem.

Ms. Jackson. Did he have a name that was allowed to be used?

Ms. Betz. Used.

Ms. Lamb. Now that you have raised that, I've been out of the program so much, I mean, I don't know where he is today, so I don't -- it's out -- I mean, the information is out there. I am not comfortable answering that question.

Ms. Betz. Okay.

Mr. Snyder. Especially transcribed, just because it might get released or we may miss it or something.

Ms. Betz. Is that something that we can follow up with you on?

Mr. Snyder. Yeah. Off-line --

Ms. Betz. Off-line.

Mr. Snyder. -- we can have that discussion.

Ms. Betz. -- we can have than discussion?

Ms. Lamb. Yes.

Ms. Betz. Okay. Okay.

BY MS. JACKSON:

Q Going back to these talking points you reviewed, do you know who those talking points were for? Were they for people within the State Department, were they for the broader interagency?

A I reviewed so much stuff. Most of it was for immediate press releases that were coming out of the State Department, and that -- you know, I was just in the general line that they came through for clearance.

BY MS. BETZ:

Q Well, let me clarify. So would those be talking points within the DS public affairs or would those be talking points within the Secretary's sort of public affairs, or NEA, or any interagency talking points that you were asked to review and edit?

A I reviewed whatever DS public affairs sent me.

Q Okay.

[Discussion off the record.]

Mr. Westmoreland. I can't imagine. I mean, I've heard of so many assistant deputy secretaries and everybody else. The protocol that these things go through, I mean, can be very confusing.

You talked about that one of your jobs was to assess the change of environment --

Ms. Lamb. Correct.

Mr. Westmoreland. -- in a situation. Would that be what would bring your attention to that, to a change in the environment?

Ms. Lamb. Security incidents in any country. For example, if the British were targeted somewhere, their diplomatic facilities or personnel, we would reach out to our RSO in that country and say, are you talking to your counterparts in security? Are you talking to host government about this attack? Is this an isolated attack for a specific reason or is this going to be something that could carry over into other foreign diplomats in that country?

And we would ask them to hold an Emergency Action Committee meeting to review the incident, and for the entire core or large scale country team to come together under the ambassador or DCM to review the circumstances and to make an informed decision at post, if this is something that they fear could carry over and affect our own security programs or protocols. And then they would make any changes to security that they felt necessary.

Mr. Westmoreland. So this would have been as a result of what they called tripwires?

Ms. Lamb. Exactly. It --

Mr. Westmoreland. Emergency Action Committee kind of thing?

Ms. Lamb. Correct.

Mr. Westmoreland. And when they had Emergency Action Committee meetings --

Ms. Roby from Alabama.

Ms. Roby. Hi. Nice to meet you.

Ms. Lamb. Welcome.

Mr. Westmoreland. When they had these Emergency Action Committee meetings, did they send a report or the outcome of these meetings to you?

Ms. Lamb. They're required to send a cable back to Washington. It will go into the main State Department system, where the desk officer on the policy side will receive it, and Diplomatic Security also receives it.

Mr. Westmoreland. Yeah. But, I mean, if you're over change of environment, you would seem to me to be the logical --

Ms. Lamb. Oh.

Mr. Westmoreland. -- one to get the report.

Ms. Lamb. Right. Any time a post anywhere in the world sent in an Emergency Action Committee cable, if there was anything substantial in it, it would be brought up at our morning briefings. Normally they would all cross my desk, but some of them didn't rise to the same -- I mean, sometimes we would send out if there was a -- for example, with the cartoonist and all the things, the flurry around that of

anti-American sentiment, I believe we went out with an ALDAC worldwide and said, okay, everybody have an Emergency Action Committee meeting, discuss it, and report back how you think this is going to affect your post and identify any changes that your post may make in anticipation of this.

So, you know, we may have 180, 200 responses come back, and some would be negative, you know, we don't believe this is going to impact us, or, you know, we think we could potentially have fallout, and here's what we're going to do for that timeframe.

Mr. Westmoreland. How about the RPG through the British Ambassador's -- or one of the vehicles in this convoy, would that be a tripwire? I mean --

Ms. Lamb. Absolutely. Absolutely.

Mr. Westmoreland. Did you get a report from that? I mean, did they have an Emergency, whatever you call it, Action Committee?

Ms. Lamb. To the best of my recollection, yes, they had an Emergency Action Committee and a cable went forward. Again, I am at a loss, because I don't have access to these documents.

Mr. Westmoreland. No. I --

Ms. Lamb. But, yes, that absolutely --

Mr. Westmoreland. That would have been a tripwire, in your opinion?

Ms. Lamb. That would have been a tripwire, yes.

Mr. Westmoreland. How about a bomb on the perimeter wall?

Ms. Lamb. Yes.

Mr. Westmoreland. That would have been?

Ms. Lamb. Yes.

Mr. Westmoreland. I believe the bombing of the Red Cross happened?

Ms. Betz. ICRC.

Mr. Westmoreland. Huh?

Ms. Betz. Yes. The ICRC.

Mr. Westmoreland. The International Red Cross. I know it got bombed or burned?

Ms. Betz. Two RPGs in May and then later in that summer.

Mr. Westmoreland. Would that have been --

Ms. Lamb. Was that in Tripoli or Benghazi?

Ms. Betz. Benghazi.

Mr. Westmoreland. That was in Benghazi.

Ms. Betz. Yeah.

Ms. Lamb. It should have been a discussion item.

Mr. Westmoreland. Would demonstrations where there were Al Qaeda members and members of al-Nusra, or whatever it is, that were identified at these demonstrations, would that have been a tripwire, a change in the environment?

Ms. Lamb. I'm not exactly sure what -- you know, you're starting to cross over into intelligence kind of reporting. If nothing happened at the demonstration -- we have demonstrations worldwide on an almost daily basis somewhere for some reason. So a demonstration itself if it's against our facility would merit a Spot Report.

Mr. Westmoreland. Well, if I was an RSO and I got the information that they had a demonstration and there was Al Qaeda and al-Nusra flags or indication of their involvement in it, to me, that would have been a red flag that this thing is kind of getting heated here in Benghazi when these people are openly showing who they are, but you don't remember that -- or if that had have happened, I'm not -- because I don't know if you remember if it happened --

Ms. Lamb. Not that night.

Mr. Westmoreland. -- but had you found out that that had have happened, would that have been an indication of a change in the environment?

Ms. Lamb. If the demonstration was against our facilities -- I don't know what was normal and what was not regarding demonstrations during this timeframe. My focus was on incidents and things that were directly targeting our facilities and our people.

Mr. Westmoreland. Okay. But there were several. But, I mean, I understand what you're saying, but to me environment means something that would include the surrounding areas of our compound, but --

Ms. Lamb. But it would be post's job at that point to share that information back with Washington.

Mr. Westmoreland. I know. But they would have an Emergency Action Committee meeting and then you would get the results of that, right?

Ms. Lamb. Right.

Mr. Westmoreland. Okay. You also mentioned that Mr. Kennedy

paid particular attention to the TDY assignments that were sent into some of these high risk posts, I guess, that he paid special attention to that. And I'm assuming he paid special attention to that because he wanted to send the most capable people into those positions, or the best trained or --

Ms. Lamb. You would have to ask Mr. Kennedy that. I don't know what his thought process is. In my mind, when I looked at the list, I can tell you what I was looking for was -- and please don't get me wrong. I love AID. They do wonderful work. So I don't want this testimony to get me on the wrong side, but --

Ms. Betz. And just for the record, can you elaborate on what AID is.

Ms. Lamb. AID does work outside of the diplomatic circles in assisting people, especially in third world countries.

If, for example, in Tripoli, all of a sudden we saw a request come in for a team of five people from AID, we only had nine extra beds on the compound, and we were trying to get walls put up, cameras put up, lighting put up, all of our technical security was not in place. The compound was being built. We needed those nine beds for the teams that were coming in to do the security infrastructure in the very early days. So AID and other -- or DOD came in frequently. They wanted to come in for various reasons. And someone had --

Mr. Westmoreland. In Benghazi?

Ms. Lamb. No. No, no. I'm talking about Tripoli now.

Mr. Westmoreland. Okay. Well, I want to talk about Benghazi.

Ms. Lamb. Okay. Forget all of that.

Mr. Westmoreland. These TDY assignments, because what we have found is that most -- all the DS agents, RSOs, the principals and everything else were on TDY, temporary duty assignments.

Ms. Lamb. Absolutely.

Mr. Westmoreland. And most of them, you know, maybe 60 days, 30 days, 45 days, different times.

Ms. Lamb. You're correct.

Mr. Westmoreland. And you made the point to say that Mr. Kennedy was very particular about who got these TDY assignments.

Ms. Lamb. No. Sorry for the confusion.

Mr. Westmoreland. Okay.

Ms. Lamb. Benghazi was an interim facility. No one was assigned to Benghazi full-time. They were all TDY. They fell under the umbrella of Tripoli. So Tripoli had a master sheet for TDYers that were rotating through Tripoli. And when these TDY personnel would come in, it would just show their name and it would say security and then have Benghazi after it. So they had --

Mr. Westmoreland. Who made that sheet?

Ms. Lamb. That came from Diplomatic Security. As people rotated, we would change -- fill in the names, the change.

Mr. Westmoreland. But who made the sheet?

Ms. Lamb. I honestly don't know, because it was a compilation of policy people from the State Department side and the security people --

Mr. Westmoreland. Was Tripoli considered a high threat post?

Ms. Lamb. Yes.

Mr. Westmoreland. So Patrick, Mr. Kennedy, would have been the person to say who was going to be on that list, correct?

Ms. Lamb. You would have to ask him. These were requests from --

Mr. Westmoreland. Well, I'm just trying to recall what you said.

Ms. Lamb. Right. It was a matter of making sure the right people were getting into post to do the immediate jobs that needed to be done.

Mr. Westmoreland. That's what I was trying to get to.

Ms. Lamb. Yes. I'm sorry. I thought I said that earlier.

Mr. Westmoreland. No. That's okay. So he did that. That was him that did this. And so he would have had some input into who was going in to Tripoli, because it was a high threat post, and he wanted to make sure the correct people were going into Tripoli, right?

Ms. Lamb. At the right times, yes.

Mr. Westmoreland. At the right times.

Ms. Lamb. Yes.

Mr. Westmoreland. And I understand. Now, who made the list of who was going to be in Benghazi?

Ms. Lamb. The post and the RSO.

Mr. Westmoreland. So the RSO in Tripoli would have taken this list and then they would have said, okay, we want TDYer [redacted], TDYer whoever to go to Benghazi?

Ms. Lamb. Let me back up just a little bit. My desk officer, who at the time was [redacted], he would make the list -- he would put out a broadcast asking for volunteers to go to Benghazi specifically, because we had a continual rotation there. So he would come up with the list of people to go to Benghazi, but everybody had to go into Tripoli. And whoever the RSO -- or the RSO in Tripoli could assess the weaks and strengths of all his TDYers. Because he had so many of them, he could choose to keep someone that we sent him for Benghazi, he could keep that person in Tripoli, and maybe he had a more experienced person that was there TDY that he felt stronger about. So he could interchange the DS agents, but we would send him the list of people who had volunteered to go.

Mr. Westmoreland. Well, I guess where I'm still confused, and I don't know if I can't explain it right or not, but what list did Mr. Kennedy use -- I mean, did he just do it in his office and just kept it to himself?

Ms. Lamb. No. It was a matrix.

Mr. Westmoreland. I mean, did he ever give it to anybody?

Ms. Lamb. It was a matrix. It would come out on a regular basis.

Mr. Westmoreland. So would it go to [redacted]? Would that list go to [redacted] or did [redacted] make up --

Ms. Lamb. No. [redacted]

Mr. Westmoreland. -- his own list?

Ms. Lamb. No. [redacted] contributed to the master list.

Mr. Westmoreland. Okay.

Ms. Lamb. But it was, like, because it was such a high threat post, we needed to have -- an official head count was critical, because if we had to send in assets to do an evacuation, we had to know if we had enough assets in theater with capacity on helicopters to put everybody on the helicopters, and so there was a magic number of how many helicopters were there, how many resources the military had sitting off that could respond, and we could not exceed that number in the early days.

Mr. Westmoreland. Okay. So to get on that rotation list, that TDY list, it didn't matter what your qualifications were as far as being a DS agent?

Ms. Lamb. For a DS agent, we were putting high-threat trained people in there.

Mr. Westmoreland. Okay. High-threat trained people.

Ms. Lamb. Correct.

Mr. Westmoreland. Anything else? Just high-threat training?

Ms. Lamb. Well, they had to be a qualified DS -- I mean, the basic DS training --

Mr. Westmoreland. Right.

Ms. Lamb. -- plus high-threat training, yes.

Mr. Westmoreland. But the high qualified was the only thing you looked at?

Ms. Lamb. The high-threat training.

Mr. Westmoreland. I mean, high-threat training was the only thing you looked at?

Ms. Lamb. Yes. DS agents are interchangeable for the most part.

Mr. Westmoreland. Right. Because what I'm trying to get to is my understanding is that the RSO that was in Benghazi, this was his first assignment?

Ms. Lamb. Uh-huh.

Mr. Westmoreland. Going into a high threat? That just seems weird.

Ms. Lamb. My first overseas assignment was Beirut. It --

Mr. Westmoreland. Were you an RSO?

Ms. Lamb. By default I ended up being the RSO. When I got there, the RSO had a medical emergency and had to evacuate post. So sometimes it happens, but, again --

Mr. Westmoreland. Okay. I don't want to take up all the time, but --

[10:09 a.m.]

Mr. Westmoreland. I'm doing a pretty good job of that.

But Mr. [redacted], I thought you said that you were in a room that you could hear his voice or he may not have been talking to you directly, but you could kind of hear his voice?

Ms. Lamb. When I went over to the person who was on the phone with him, yes. I mean, it's a -- the command center's a very large room, and there were lots of conversations going on in the room.

Ms. Betz. But I think let's clarify, we clarified that it was [redacted] and not [redacted].

Ms. Lamb. [redacted] and not [redacted]. Correct.

Mr. Westmoreland. Okay. Because I was going to say, [redacted] would be doing a lot of different things with a phone in his hand, but so -- but you never talked to him after they got to the Annex. Or nobody ever talked to them after they got to the Annex?

Ms. Lamb. No. He called when he got to the Annex.

Mr. Westmoreland. Okay.

Ms. Welcher. Could you clarify who "he" is.

Ms. Lamb. [redacted]

Ms. Betz. [redacted]

Ms. Lamb. [redacted] I'm sorry.

Mr. Westmoreland. I gotcha. Now, the only other thing I was

going to ask you about is EUCOM and AFRICOM. You all asked them about the assets. Did anybody ask where any of the special operations assets were at?

Ms. Lamb. We just -- when we work with DOD, we don't ask them specific questions. We tell them what our mission is and what the problem is, and then we leave it to their expertise.

Mr. Westmoreland. Well, I mean, you mentioned EUCOM and AFRICOM. So I didn't know if there was some other COM or some other --

Ms. Lamb. No. Because we were in their theater of operation, it would be -- they would be the point of responsibility to reach out and locate.

Mr. Westmoreland. All right. Can I just ask one --

Ms. Betz. Oh, yeah. You're good.

Mr. Westmoreland. I'm sorry. Through the chain of emails, we learned that the Secretary asked that the FBI become like immediately involved in this. Who would she have given that directive to?

Ms. Lamb. I have no idea. The investigative --

Mr. Westmoreland. Were you aware of it?

Ms. Lamb. I knew the FBI was involved, yes. And they -- I mean, they came and spoke to --

Mr. Westmoreland. They were asked to be -- or asked to get involved. Do you know what their answer was?

Ms. Lamb. No, I do not. I'm on the operational side, not the investigative side.

Mr. Westmoreland. Oh, okay.

Ms. Lamb. So I had no insight on to what followed on.

Mr. Westmoreland. So you wouldn't have known anything about that?

Ms. Lamb. No.

Mr. Westmoreland. Okay.

BY MS. JACKSON:

Q In followup to that, was there any discussion about getting the FBI into Benghazi as soon as possible? And I'm talking about was there any discussion the night of the attack or early the next morning, the next day, about getting the FBI deployed to Benghazi?

A Again, I had nothing to do with follow-on. I'm still running security for the rest of the world. So I was not focused on the investigative things that unfolded after.

Q You talked about the FEST earlier. Is the FEST the mechanism to get the FBI into a country for a crisis response?

A The FBI has their own assets, and I guess it would depend on the country and the circumstances. Certainly, they can be part of a FEST team, but it would depend on the mission.

Q Okay.

Mr. Snyder. Can I just make sure it's F-E-S-T so that when we --

Ms. Jackson. Yes.

Mr. Snyder. Both of those were FEST.

Ms. Betz. I think I have only a few minutes. And I want to get into a lengthy discussion. So I'll go off the record now.

[Discussion off the record.]

Mr. Kenny. So we'll go back on the record. The time is 10:27.

EXAMINATION

BY MR. KENNY:

Q And, Ms. Lamb, again on behalf of the Select Committee's minority staff, I want to thank you for your appearance here today. Welcome back to Congress.

A Thank you.

Q I appreciate your willingness to speak with us. This is the eighth congressional investigation into the attacks in Benghazi, and your appearance here, as we had noted at the outset, is not your first -- the first time you've appeared. So I'd just like to ask you briefly about some of your previous experience before Congress. And I also note that you wanted to make a clarification. But before we do that -- well, we can go ahead and do that now if you'd like.

A Okay. Congressman Westmoreland had raised the question about the list of TDYers that were going into Benghazi and Tripoli since it was all the same list. And I would just like to -- he also raised the point that the RSO in Benghazi at the time, it was his first assignment. I would like to clarify on that. We scrutinize the background of every TDYer that went in there. And they had to have successfully completed DS training and high-threat training. And then we looked at their past backgrounds. Of the RSO and DS staff that were in Benghazi that night, several of them had military backgrounds. In fact, one of them was from an infantry and was able to, during the mortar attacks on the Annex, was able to tell us that they were walking them

in, which is something that's done with the precision of a military unit versus just a random person on the street who got ahold of a mortar and just lobbed it over the wall.

So we were able to gain valuable information from our DS agents during all of this because of their prior training and background besides what they had learned through DS and diplomatic security.

And as for -- so everyone from the security side was thoroughly screened to make sure that they were the right people to send in for the job. The totality of the list of TDYers, the reason why there was a running list is posts are notorious for getting what we call mission creep. If they have a job to be done or policy people that need to get in because there's an urgent need for some sort of a policy issue, TDYers will just shoot in a request, they get rubber stamped and they come in. You cannot do that in a country in a high threat that's volatile with no true government in charge.

During this first year, there was not a solid government security system that could come in and save us. We had to defer to our own contingency planning to evacuate posts. And Pat Kennedy is the person who evacuations go through. It's his job to make sure he accounts for the safety and security of every single individual in that country. And I don't want to quote a number, but my recollection is we had -- well, I know for a fact we had a ceiling of how many people could sit on three helicopters, which is what was available in the theater. And if we had one person over that limit and the balloon went up and we had to evacuate, somebody would be standing on the tarmac and not

getting onboard a helicopter.

Q Can I actually just stop you right there?

A Yes.

Q So you're referring to three helicopters that were available. You mentioned in theater.

A In theater.

Q So can you just clarify for us to the best of your recollection what time period you're referring to? Is this during active military operations in Libya?

A This is during that first year when we went in there and there was no host government support at all.

Q So this would be 2011?

A Correct. This would have been 2011 and into 2012.

Q Okay.

A So, but the contingency planning and not to exceed the numbers is what was critical. And because we were standing up -- security infrastructure needed to be stood up as quickly as possible so we could support the policy needs which were unfolding very quickly in this new developing government that was forming. So it was critical to monitor which people were being allowed into posts to make sure that our goals and commitments to meet security timelines did not get pushed back.

Q Okay.

A And that was the gist of it. It was not a screening who the right people are. It was the right mission and then it was left

to the -- you know, if anyone was responsible for the folks that went in there being qualified that would have stopped on my plate on the security side.

Q Okay. Thank you. That's helpful.

Just to pick up, because I think there are a couple different components to what you discussed, maybe we can drill down --

A Okay.

Q -- just a little bit further so that the record is --

A Okay.

Q -- clear on this as to exactly what you mean. We don't want to misconstrue anything that you say. So of course, if I say anything or if I mischaracterize anything, feel free -- please feel free to --

A Okay.

Q -- to let me know. But if I understand you correctly, at the end there, you mentioned that you weren't screening for particular people and their backgrounds but rather the screening was for the particular slot or billet or mission that those positions would fill. Is that --

A The skill set that they were needed for. So a communications person who's going in to set up the computers needed to be a competent computer person with the skill set to set up computers.

Q And then for diplomatic security, which was your purview --

A Correct.

Q -- so there would be DS billets, then, in that staffing matrix that you described earlier. Is that correct?

A Correct.

Q Okay. And as far as the backgrounds, then, for people who would fit that, you had mentioned personnel who had completed high-threat training, for instance, as being persons who would be eligible.

A Correct.

Q Is that right?

Okay? And I thought it was helpful when you described what sounded like your confidence in your DS agents, those particular DS agents who were on the night of the attacks who the ARB and others, I think, have cited and found had performed some extraordinary feats on the night of the attacks.

A Correct.

Q And it sounds like you personally didn't have -- or you had confidence -- full confidence in their abilities. Is that accurate?

A Absolutely.

Q Okay.

A Absolutely.

Q Okay. There has been some criticism, some of it's a little bit muted, of DS agents, that the training that they receive is perhaps not the same caliber as, say, a special forces-type training. But perhaps you could just help us understand for a DS agent what that skill set versus, say, a military or a special forces type of background.

A Would you ask that question one more time? Sorry.

Q Sure. No, I appreciate that.

So just to preface this by saying there appears to have been some criticism of DS agents in general, that they lack some of the training that, say, very highly specialized or high qualified military personnel would have.

A Correct.

Q And I'd just like for your understanding, if you could perhaps differentiate for us or explain for us what the DS skill set is.

A Okay. Because I've been with DS for 27 years, over that 27 years, the mission has changed. And the way we do foreign diplomacy has changed. We're going into more dangerous places now than we ever did before. And we're going into places where the military is not, per se, welcomed with open arms. And Tripoli, Benghazi was one of those places. They were adamant, especially in the early days, that they did not want any visibility of U.S. military troops on the ground as we started to filter back into Benghazi in the very early days of our transition in.

So over time, DS has had to increase the training that we give our agents. DS agents are trained to be program managers. That is their number one function, to be a program manager. They have to oversee local guards. They have to liaison with host government security assets. They have to manage budgets. They have to hire and fire large guard forces. They have to manage contracts. So they are program managers. They are not brought in as soldiers and trained to be a soldier. So that's where the difference is.

But as we found over time in these dangerous countries, DS was kind of a unique -- diplomatic security, in particular, had a unique set of skill sets. And we were used to and operating under pressure in high-threat countries. And it just made sense to start increasing the training. We started by our mobile security division becoming a very highly specialized unit with additional training. And then as we realized we could -- we didn't have enough people with that type of training, then we came up with the high-threat course. I was actually in charge of the training center when we started that high-threat course, and it has grown exponentially since I started that program.

We have also -- the -- it was called the FACT, F-A-C-T, course was designed under my tenure out at the training center. And that was designed to educate foreign service officers on how to operate and how to be part of the security package at posts and to be a useful set of eyes. And what to do if they were in a situation where there was a bombing or something critical happened. And, you know, repeatedly, I had ambassadors and foreign service officers come through my office that had been near an attack or in an attack tell me that they believe that training saved their life. So it was a wonderful course that went out to the general State Department.

Q Okay. Thank you. And it's helpful, I think, to understand a bit about how the mission has evolved over time. You described the world as being something of a more dangerous place. I think you put Libya in that category.

A Right.

Q Just again, in that context, the DS agents that you sent to Libya in 2011 and 2012, you had confidence in their abilities to perform their mission?

A Absolutely.

Q Okay. Another aspect of the clarification, as I understood it, was that you were describing a running list of new hires. And you used the term "mission creep." I'd first just like to understand when you're referring to the staffing matrix, this is the staffing that applies to the country writ large. So it would include policy personnel, programming. I believe you'd mentioned USAID in the last round. Is that correct?

A I just put them out. I don't even know if they were trying to get in at that point. It just used that as an example.

Q Okay. But when you referred to "mission creep," you're referring to policy personnel who would want to do a TDY in country. Is that correct?

A I'm -- probably so.

Q Not DS. That's what I'm trying to understand.

A But not DS. Yeah, mission creep at a normal post, if an Ambassador feels that he needs, he or she needs 125 TDYers at post for various policy reasons, that doesn't affect us back here in Washington, because they're in a stable country, and the airports are open. And if they had to leave, there would be indicators or signs, and people could leave through normal resources. But in a country where

there -- it's not safe so drive on the road, we don't have enough armored vehicles to put everyone in the armored vehicles to move them across land and there is no airport access for commercial flights, then we have sent people to a country that are totally 100 percent dependent on getting out of there safely and alive, based on the resources that Pat Kennedy and Eric Boswell and diplomatic security can put together. And so those types of contingency plans have to be built on a bottom line number of the people that can be at post. And it has to be strictly adhered to and --

Q These are protectees we're referring to? I'm just -- I'm trying to disaggregate you -- we're talking about matching DS resources to the number of people who would be under the security umbrella that you described earlier. Is that correct?

A Right. Right.

Q Okay.

A But, you know, when you're the Ambassador and you need your computer to work, you need telephones in everyone's office, you need furniture, you need extra bed space, you become very focused on the management issues of getting all these logistical things in as quickly as possible so you can bring more policy folks in to do the job that's so important to do there. And sometimes it is easy to lose track of numbers because people tend to come in in teams to do things.

Q Right. So when -- in your -- in this discussion, the discussion we had the last hour, was one of the concerns -- I'd heard you refer to beds. So was one of the concerns for this mission creep

that you described that the embassy would become overwhelmed with the number of TDYers who were coming to post?

A It was not that they would be overwhelmed by the number, but that they would exceed the number that we could evacuate on our contingency evacuation plan that was in place.

Q Okay. From DS perspective, that was your concern?

A Yes.

Q Okay.

A Yes.

Q And would then having the Assistant Secretary Boswell or Under Secretary for Management Patrick Kennedy's visibility into that, would that sort of senior level attention help if there was, say, senior level interests in deploying more personnel to posts? Do you understand the question?

A I don't understand the question.

Q Okay. So if I understand you correctly --

A Right.

Q -- we're describing a process by which post is attempting to manage the number of personnel there --

A Right.

Q -- under the DS security umbrella.

A Right.

Q Is that right?

Okay. And you'd indicated that a top line number may have been set by the Assistant Secretary, perhaps with input by the Under

Secretary for management. Is that correct?

A Okay. The number was dictated by military assets.

Q Okay. But what is the --

A How many people can be --

Q -- number we're referring to? It's a top line number --

A Let's just say 42.

Q Okay. I don't mean which number, but what -- it's a top line number, and that's everybody who can be at post. Is that correct?

A Correct.

Q Okay.

A And they cannot exceed that number --

Q Okay.

A -- on the ground. So it was capped and they couldn't exceed it by one body because one more body would not fit --

Q Okay.

A -- in the evacuation plan.

Q Okay. And do you recall for Tripoli that there was an evacuation plan, or a cap, that had been set before the revolution?

A Prior to the original embassy closing?

Q Correct.

A There would not -- I don't know that for a fact. But because prior to the revolution, airports were open and roads were open, generally there is not a cap in countries that have free safe passage on roadways and commercial flights available.

Q Okay.

A Those --

Q So the numbers would then just depend on the ability of the host to --

A Exactly.

Q -- absorb or --

A And that's why there's a drawdown procedure within the State Department when posts start to falter.

Q Okay. Okay. I would you like to return to our discussion about the night of the attacks. I think you did a good job of walking us through your recollection of some of the actions you took, and some of your observations from that night. I was wondering if we could perhaps take a step back so that we could understand some of the context of not only that night, but that week.

A Okay.

Q And I'd first just like to ask, before you received the phone call notifying you of the attack in Benghazi, do you recall hearing about a demonstration that had occurred at Embassy Cairo?

A Yes.

Q Okay. And what do you recall hearing about that?

A It was a large demonstration. It had to do, I believe, with a video that had been released.

Q Okay. Did you understand at some point that the attackers had actually breached the compound wall?

A We had a -- there was a huge series of demonstrations in a very short period of time. Several of our embassies had the compound

walls breached. And I don't recall exactly which ones where and when --

Q Okay.

A -- it happened.

Q Okay. That's fair. But did Embassy Cairo, do you recall being concerned about the security and safety of the personnel there?

A Yes.

Q Okay. And do you recall what actions you may have taken in response to hearing about the demonstration?

A The RSO there was a strong RSO with good working relationship with host government. And we had a host government that did provide protection for the embassy. And, you know, at that point, it falls, you know, in their hands.

Q Okay. And you had mentioned a moment ago a video. What do you recall about that video?

A At this point I don't -- it was an anti -- it was an inflammatory --

Mr. Kenny. I want to note for the record that we're joined by Congresswoman Duckworth.

Ms. Duckworth. I'm going to stay right here.

Mr. Kenny. That's fine.

Ms. Sawyer. Please continue.

Ms. Lamb. I mean, this was during the -- we had the cartoonist doing the inflammatory cartoons of Muhammad. There were videos being released. There were -- across the board, there were just a lot of

things going on. I don't remember exactly what it was.

BY MR. KENNY:

Q Okay. And did you have an understanding of why something like a video could cause a demonstration or cause potential unrest in the region? Was that something you'd seen before?

A Yes.

Q Okay. And do you recall where you had seen that before?

A The cartoon incidents came before the video did.

Q I'm sorry, Khartoum?

A Cartoon.

Q The cartoon.

A The artist that drew cartoons.

Q Okay. The Danish --

A Yes.

Q Okay. Okay. I'd heard you use an acronym in the last round, ALDAC. Can you explain for us what an ALDAC is.

A It's a cable that goes out to all posts all over the world.

Q And do you recall whether an ALDAC was issued on the night of the attacks in reference to the video that we just discussed?

A I don't recall. I know we -- there were so many demonstrations over about a -- I believe it was like a 10-day window or a month that there were ALDACs that went out during that period of time. But I don't know specifically where they fell in the timeline that you're asking about.

Q Okay. Did you have an understanding in some of those other

locations about what might have been the cause or precipitated those incidents or that unrest?

A It was all from this video.

Q Okay. So was there a concern at the time that the video would spread throughout the region --

A Yes.

Q -- and cause more unrest?

A Yes.

Q Okay. And you don't recall any specific steps that the Department may have taken in response to that?

A The information was shared with all RSOs worldwide.

Q Okay.

A Yes.

Q Okay. And it could have been in the form of an ALDAC.

A Yes.

Q But you just don't recall.

A Correct.

Q Okay. So in the last round, you were asked about some talking points you may have participated in the clearance process or reviewed, I believe, during the week after the attacks.

A Right.

Q Again, just so we can better understand the context of what you and your colleagues were experiencing that week, if you could just walk us through some of the events of that week and perhaps describe for us the mindset of you and your personnel, you and your colleagues.

A I'm not sure what you want from that question.

BY MS. SAWYER:

Q Yeah, and maybe I can help a little.

You know, obviously in the 3-some years since the attack, Congress has focused on particular aspects, and Benghazi itself has become a very clear focus of what --

A Yes.

Q -- Congress has looked at.

A Yes.

Q And in particular, certain aspects of Benghazi, like was there a protest, was there not a protest. But I think it would be helpful for us to just understand, because you've talked about there were so many demonstrations over a 10-day period or a month, just what that atmospherically and what you all were focused on, in a general sense, that week and where your priorities were and what it just, as a day-to-day matter, felt like.

A The day-to-day issues were making sure that all of my desk officers were in close contact with the RSOs, making sure they had all the resources that they needed and that they were comfortable with decisions that were being made at posts. And that the EACs were meeting. They were meeting with host government to make sure we had host government support in place, that they were not going to, you know, step back or slow roll a response should the embassy need them, and this type of a thing.

Q Is it fair to say that you certainly, in your position and

the folks within DS were very focused on the immediate need that was happening at the post?

A Absolutely. I mean, we had -- at that point we had every MSD team, I believe, was deployed. And we were pulling them off of assignments and then shifting them to posts that were concerned that perhaps host government would not be there if they needed them. We were trying to be pro-active in getting additional help for the RSOs at the most critical posts where we thought this was going to be an issue.

Q You know, and certainly understanding that there would be a time where you would want to dig in and figure out what had happened, is it fair to say that certainly in the day and week that followed Benghazi and the unrest there, you were not primarily focused on figuring out what had happened in the past in Benghazi on that night, but were focused in kind of a current-day-forward-looking way?

A Yes. My job was to be pro-active and to look forward and make sure we were pushing out all the resources that we had to the right places where they were needed. And to, you know, prevent incidents from happening.

Q And certainly, then, and I'm sure we'll get into it, as is true whenever there's a significant incident, there was a mechanism put in place to do this deeper drill-down as to specifically what had happened in both the run-up and the night of the attacks in Benghazi in particular?

A Correct. That was outside of my purview.

BY MR. KENNY:

Q Okay. I'd like to shift gears a little bit.

A Okay.

Q In the last round, you discussed or mentioned the structure of your office, that you had desk officers responsible for different geographic bureaus. And I believe you'd mentioned that your desk officer for the NEA region was [redacted]. Is that right?

A He was the assistant. [redacted] was the senior desk office --

Q Okay.

A -- at the time.

Q Would he also be referred to as the regional director for NEA? Is that a title you're familiar with?

A [redacted] was the senior desk officer.

Q Okay. So [redacted] was a desk officer underneath him?

A Correct.

Q Okay. And the desk officer, is that a position that would be in regular contact with the RSOs at post?

A [redacted] the senior desk officer oversees the entire region. And then he will -- he or she will have four to five more junior DS agents. But most of them have already served overseas. And then the region will be divided up amongst those five individuals. So each of the lower level desk officers have a list of countries that they are specifically responsible for. And those are the people that have the daily contact. And then when issues or problems arise, they take

it to the senior desk officer. And then the senior desk officer may or may not get involved directly with the RSO.

Q And in the fall of 2011 through the fall of 2012, who would have been that -- who was the junior desk officer who had responsibility for Libya?

A [redacted]

Q Okay. And --

A And [redacted] was his senior.

Q Okay. And Mr. [redacted] would have been in regular contact with the RSO at post. Is that correct?

A Yes.

Q So that would include the RSO in Tripoli?

A Yes.

Q And that would also include any TDY RSOs in Benghazi as well?

A Correct.

Q Okay. And would that be the primary conduit through which information about security resources would flow from post back to Main State?

A Back to Diplomatic Security, yes.

Q Okay. Okay. Not Foggy Bottom. So Diplomatic Security headquarters?

A Yes.

Q Okay. Is that the -- is there a preferred way of referring to DS Main?

A When we hear -- in Diplomatic Security, if we hear DS Main,

we're thinking about the policy side of the house, which is physically located at 2100 C Street. And if you're talking about DS headquarters, you're talking about our office in Rosslyn.

Q Okay. So when we refer to DS Main, we're referring to the DS front office? That's where the front office would sit, to include the Assistant Secretary and his staff?

A The -- Eric Boswell sat at Main State on C Street.

Q Okay.

A The PDAS and all the DS folks below on the operational side for overseas programs all sat in Rosslyn at the DS headquarters.

Q At DS headquarters. Okay. So I'll refer to DS headquarters. Which is where --

A Okay.

Q That's where you sat?

A Yes.

Q Is that correct?

A Correct.

Q And the senior-most DS official at DS headquarters would have been the PDAS?

A Correct.

Q And that would have been PDAS Bultrowicz during this time?

A Correct.

Q Okay. Okay. Returning to the desk officer, how would you, in general, describe your relationship with Mr. [redacted] and Mr. [redacted]?

A It was a close-working relationship.

Q Okay. You'd mentioned earlier that if there were matters that were important, that they would be brought to your attention.

A Correct.

Q Is that correct?

Okay. And so those would be brought to you attention by Mr. [redacted] or Mr. [redacted]?

A Correct.

Q Okay. You'd rely on them to provide information to you that was pertinent to post security.

A Right. And I had a deputy at that time. So they would take issues to the deputy. And then if the deputy could resolve them, it stayed at that level. And then if the deputy had a concern, then the three of them would frequently come into my office to brief --

Q Okay.

A -- me on something.

Q And that deputy was Mr. [redacted] during that time?

A Yes. That's correct.

Q Okay. Have you ever served as a junior desk officer?

A No. I have not.

Q I'd like to understand just a little better your understanding of Mr. [redacted] experiences with Embassy Tripoli or with the special mission in Benghazi.

We've heard the desk officer/RSO relationship described as a little bit of a give and take. That post will come in with resource

requests, requirements, and there'll be some follow-on discussion where some sort of consensus is arrived at. Is that a fair characterization --

A Yes.

Q -- of the relationship between DS headquarters and post?

A Correct.

Q Okay. And would -- those would generally be about available resources, perhaps, on the one hand, and what the needs of the post were on the other hand. Is that right?

A Correct.

Q Okay. And you had described in the last round that DS has a fairly broad responsibility, that there are 35,000 U.S. government employees, I believe, under their security umbrella. Is that right?

A Correct.

Q Okay. Do you recall about how large the DS agent pool was that could be deployed to overseas posts?

A Okay. I'm trying to think back in that time frame. We were under 2,000 DS agents, and approximately half of them were domestic, either in investigative field office positions or headquarters positions.

Q Okay.

A And the other half were overseas.

Mr. Kenny. Okay. I'd like to welcome Congressman Schiff this morning.

BY MR. KENNY:

Q So would you describe it as a -- the DS pool of agents who were available to deploy, is that a somewhat limited universe of personnel of people that could be dispatched or sent to post?

A I'm not sure what the question is.

Q It's more just a general question about the availability of resources that you had within DS, so, of personnel.

A Okay.

Q Was --

A Everybody in DS has an assigned job. If we have a post in need, for example, elections in Third World countries are sometimes very strenuous on an RSO, because the policy folks want to send teams out into the hinterlands where perhaps security is lacking. So, the RSO would come back with the cable from post cleared by the Ambassador saying, We would like to have five TDY DS agents to assist us for 2 weeks, a week leading up to the elections, and a week after the elections, just to make sure that the country's stable. We say, sure. And then we take that request and we would send it out to -- the domestic field offices were generally the first place we would pull people from.

So we have -- at that time, I believe we had 17 to 20 domestic field offices. And then the field offices would send us the names of personnel that were available to fill those TDYs. And then our desk officer would work with them to get them the funding and the tickets and -- to coordinate with post to get them into post for that assignment.

Q Okay. I think that's helpful. And in the example you just

used, some of these requests could be quick turnaround, very short --

A Right.

Q -- notice projects.

A Right.

Q And DS/IP would do its best, obviously, to reach out and try to provide TDY DS personnel to send to the requesting post.

A Right.

Q Is that fair?

A Correct. And --

Q Okay.

A -- we do have several posts out there that -- not so much now, but we used to have a lot of one-man RSO posts. So if that RSO went on vacation, posts would -- could come back and say, the Ambassador, the CONGEN would like to have a TDY during the -- my 2-week absence on vacation. So we would then look for someone either in the region who had regional knowledge that we could borrow from another post and TDY over, or we would find someone back at the headquarters level that could go out to fill that position. So there were lots of reasons for filling TDY assignments.

Q Okay. And when you had mentioned that in DS, everyone has a job. So if a domestic field office would have provided an agent, who would have funded that agent's travel, or TDY, to Libya?

A My budget and the DS --

Q Okay.

A -- program operations would have done that.

Q Okay. And would that be -- if it pertained to a specific region, would that be that geographic --

A Yes.

Q -- sub unit?

A Yes.

Q Okay.

A Exactly.

Q So for Libya, that would be the DS/IP NEA budget?

A Correct.

Q Okay. So as we promised, we'll be referring to some documents to help aid our discussion.

A Okay.

Q And we'll go ahead and mark -- this is going to be -- this will be exhibit 2.

[Lamb Exhibit No. 2

Was marked for identification.]

BY MR. KENNY:

Q And I'll give you a moment to read it, but just I'm going to read some identifying information for the record.

This is exhibit 2. It's an unsigned action memo dated October 24, 2011. It's from DS/IP NEA [redacted] to DAS Lamb. DS/IP with the subject ARSO TDY funding, and personnel support for Benghazi, Libya. And the document number is C05391928.

A Okay.

Q Do you recall this --

A Yes.

Q -- this memo?

A Yes.

Q Okay. And can you just describe for us what this request is?

A I had actually requested that they draft this memo because it's very easy for people to take for granted -- when there's a need for TDY people, they don't take the budget into consideration. And when we don't have full-time positions authorized, this TDY money is coming out of the international program's budget. And at $9,000 per agent for 45 days on a continual basis for a year, this money adds up very, very quickly and depletes the budget that I have for worldwide TDY assignments. So I wanted this to be documented and I wanted to be able to forward this -- forward and to go to the DS budget people to make sure that we had appropriate funding, and that they knew we were going to need additional funding, should this TDY status continue for a long period of time.

Q Okay. And I'll just read for the record, the summary in the document states, quote, "DSA/IP/NEA lacks funding and effective pools of high threat trained candidates for TDY support to draw from to support the mission in Benghazi. To date, the IP front office has approved the allocation of $90,000 for TDY support in the NEA region, including Yemen, Tripoli, and Damascus," closed quote. And I believe you had just touched a moment ago on the funding aspect, but there's also a reference here to the pools of available agents as well. Could

you elaborate on that, please?

A Yes. DS -- I don't know if they do now, but at this time, they did not have pools of agents just sitting in a room waiting to go TDY. If we needed TDY assistance, we had to reach out to offices and programs where they had normal 8-to-5 jobs, duties, and assignments and borrow someone. So we -- at that time, high-threat training was optional. And as a result of this, it was taken up to Scott Bultrowicz and Eric Boswell and identified as a problem with our growing need for high-threat, trained individuals, we didn't have enough that were high-threat trained. High-threat training at that time, I believe, was almost a 3-month course. So that's a lot of time to ask a field office to be without an agent who's working a criminal caseload, because they get called to testify, they're making arrests, and it would slow down their program. So it was becoming more and more difficult to get these folks through training. So --

Q Can I just take a quick detour --

A Yes.

Q -- on that?

So the high-threat training program, you're very familiar with the program, given the time commitment, the 3 months it required, was it typical for a new DS agent to go through the high-threat training course as opposed to a more seasoned DS agent who perhaps may have had some field experience?

A At this point in time, they were two completely separate things. A brand-new DS agent did not roll over right into high-threat

training. And once all of this happened during this period of time, DS realized every agent needs to be high-threat trained, and they need to be completely interchangeable. And this was the beginning of the policy change --

Q Okay.

A -- that drove that.

Q Okay. And just to tie this a little bit to our discussion, you were asked about the level of experience of some of the TDY RSOs to Benghazi.

A Correct.

Q But in your experience, was it generally easier to send a new DS agent to the high-threat training course as opposed to an agent who was in a position, perhaps, at a domestic field office?

A Easier to send an -- when you say "new agent," are you talking about a new agent that just came out of training, or a new agent that was already in his first assignment?

Q Let's say a relatively inexperienced RSO. Somebody with less than 2 years.

A Okay. They would be in a field office.

Q Okay.

A So that's where the -- our newly minted DS agents were all assigned to field offices first.

Q Okay. So their first tour would be a domestic field office.

A Correct.

Q Okay.

A Correct.

Q Okay.

Mr. Snyder. Can I have a moment.

[Discussion off the record.]

Ms. Lamb. Right. Yeah. And, you know, as a result, once we realized we needed more high-threat trained people, it was easier to take the new agents, run them through DS training, add on high-threat training, and then if they were needed or we had a worldwide crisis somewhere, we had this pool of agents that we could also draw from, that though they were new, they were trained, and we would not have sent them out had they not passed that training.

BY MR. KENNY:

Q Okay.

A And if you look statistically at DS agents, we get -- and I don't know that it's changed much from the time I came on. We get about a third of our DS agents just come from all walks of life; librarians, life guards, teachers, bankers. A third of them are former police officers. I was a former police officer. And then about a third of them are military. And I believe we still run a pretty close ratio of that type of diversity for new agents coming in.

Q Okay. But, again, irrespective of their background before coming in as an RSO, coming out of the new agent training, performing the high-threat training, you had confidence in the ability of those agents to perform --

A Absolutely.

Q -- the mission in dangerous locations?

A Absolutely.

Q Okay. Returning again, just briefly, to the mention of the funding and the effective pools, I just wanted to touch real briefly on some of the recommendations here, and it appears that there's five of them.

A Okay.

Q One of which is a request for funding. The third recommendation there seems to be a request to remove the requirement for high-threat training. Can you explain the basis for that request?

A Yes. These were options based on -- so basically in the summary, the desk officer, who at the time was [redacted], he identifies that we have a shrinking pool of high-threat trained agents. And because we've added Damascus and Yemen and Tripoli to the NEA region, and we're already still supporting Iraq and Afghanistan with TDYers, he says, "One of our options is to stop requiring high-threat training. Do you approve that?" And that was never approved.

Q Okay.

A Instead senior management within DS made the call to train more people.

Q Okay. That is helpful. I would just like to direct you to the second page. The first sentence in the background reads, quote: "The Benghazi mission is going to be short staffed by several positions within a few weeks. Staffing is currently seven of eight. On October 28 staffing will be six of eight. On November 17, DS staffing will

be three of eight," closed quote. Were those projections accurate at the time this memo was written --

A Yes.

Q -- do you recall?

Okay. And do you recall at this time hearing that security staffing would begin to draw down in Benghazi?

A Yes.

Q Okay. And I'll note the fifth recommendation, which is immediately above --

A I'm sorry. Go back and reask me that question. Let me make sure I heard it correctly.

Q Sure. Do you recall hearing at the time of this memo that security staffing would draw down in Benghazi or was projected to draw down?

A It was not drawing down. It was short-staffed.

Q Okay.

A So there's a definite distinction between those two.

Q Okay. A drawdown would be an intentional --

A Exactly.

Q -- decision.

A And this was not -- there was no intent to --

Q Okay?

A -- shorten the numbers. It was that because we couldn't get visas and we didn't have people volunteering. You know, we literally -- at this point in history in Diplomatic Security, we had

hundreds of agents doing high-threat TDYs. And many of them that were on their second, third and fourth TDY in a high-threat country. So it was -- we were absolutely saturated with a need for high-threat TDY positions.

Q Okay. And just above the background that I read to you is the fifth recommendation which is, quote, "DS lowers the overall required number of TDY personnel for the mission from eight to seven. Note DS/IP recently lowered the staffing requirement from ten to eight," closed quote. And this particular recommendation, like the others, was intended to help alleviate some of the concerns about funding and personnel. Is that your understanding?

A Again, this was the desk officer's suggestion of ways to meet the numbers with the resources that they had. What we actually did in this case, if you look directly above that, DS authorizing SPS personnel from the graduating class to be redirected to Benghazi. That was actually the approved recommendation. So we did not have to look at lowering the staffing numbers.

Q Okay. So --

A So these -- these are options. So it's, like, the desk officer is trying to find alternatives to solve the problem. So he's putting these out there. And it's kind of like multiple choice. Which one would you like to pick? And what's going to happen if you don't do anything.

Q So your interpretation, then, of this memo is that this is a menu of options --

A Correct.

Q -- so to speak?

Okay.

A Correct.

Q And so not all of the options are being recommended to be implemented at the same time?

A Exactly. Exactly. And generally, what the desk officer would do would be to put the most desirable recommendations first.

Q Okay. Do you recall, though, that, just to be clear, so this fifth recommendation was not approved?

A Fifth recommendation. You're talking about the --

Q Reducing the number of DS security personnel.

A Right. DS headquarters does not reduce the number of TDY personnel. That is done by post. You know, as long as post needs TDY support, and they, you know, continue to request it, we continue to fill those positions to the best of our ability.

Q Okay.

[11:16 a.m.]

BY MR. KENNY:

Q I'll just note here that there is a note in that recommendation that says DS/IP recently lowered the staffing requirement from 10 to 8. So was that outside of the normal process?

A No, that's not correct, because staffing requirements don't get lowered back at headquarters.

Q Okay. So the best of your understanding, this specific recommendation was not approved?

A It was not approved.

Q Okay. Do you recall around this timeframe that DS staffing did, in fact, drop its -- the special mission?

A And we're talking about in Benghazi?

Q Correct.

A I do know because of the numbers and the fact that the mission had moved, the embassy was now, I believe we're in the timeframe, the embassy was stood up in Tripoli. So the mission and the bulk of the people had all moved to Tripoli, which left a very skeletal crew on the ground. And so because of our shortages of these trained TDYers, I asked the senior desk officer to go back to the desk office, go back to the RSO and evaluate what are all of the DS agents doing, and are there any other ways that we can alleviate some of the

duties that they're conducting with other resources.

Q Okay.

A For example, we found that a DS agent was being used as a driver. That is generally not something DS agents do.

We use host country drivers, because they are much better qualified, and when you have a TDYer, every -- change every 30 days, there's no continuity. So it was -- and then we found that one was watching -- there was a classified piece of communications equipment that had to be safeguarded, and they had one DS agent basically babysitting a piece of equipment 24/7. So we worked with our countermeasure folks and say, is there another way we can secure that equipment without using a human body.

Q So we've had the benefit of reviewed documents. You mentioned at the outset you haven't reviewed documents before appearing here today.

A Right.

Q Our understanding is that some of those discussions occurred at later timeframes, say, early 2012, February of 2012. At this point in time, which is October of 2011, when we refer to resources and limitations, availability of resources, are you referring both to availability of personnel and the availability of funding within your office?

A In '11, we were frequently going back and asking for more money. Anything that post asked for, if we were not funding for, we went back and we asked for that money to come from somewhere else within

the Department.

Q Okay. And at this point in time, this is October of '11, so for government financial planners, it would be fiscal year 2012?

A I believe that's correct.

Q Okay. And do you recall at this time whether a continuing resolution was in place?

A Probably. We had them frequently. I don't recall exactly --

Q Okay.

A -- the dates or times of the continuing resolutions.

Q Okay.

I have just a few more minutes, so I would like to just close out this document. I would like to direct your attention to the third page in the last paragraph. I'll just go ahead and read this paragraph into the record. It reads, quote, "The extraordinary amount of TDY support to date may warrant comment from the NEA bureau asking NEA to acknowledge DS' funding requirements to maintaining effective security posture is advisable and could afford support from NEA. With a yearly financial plan of 228,000, DS/IP/NEA is on track to obligate its yearly funding in 90 days or less. This only means to continually fund the recurring TDY support within NEA region is by transferring funds from other DS/IP regional directors or other IP officers, including DS/IP/OPO," closed quote.

And I would just like to first ask, there's a reference to financial plan. Could you just explain to us what that is?

A The financial plan would be our annual budget and funding.

Q Okay. And it says here that the financial plan for DS/IP NEA was $228,000. Does that sound about right?

A Oh, I see where you're going. Okay. That is what we had projected -- the financial money that you get in a given year is based on what you project the year before when you ask for it. So, based on the tempo of operations in the prior year, we had asked for $228,000 to support TDY operations in the NEA region. We were not anticipating what happened and the need that we had. So, basically, what we're saying is, you know, hey, within 90 days the money we had projected a year ago is not going to be sufficient to cover the current needs that we have.

Q Okay. So the money was going to run out?

A The money was going to run out.

Q Okay. Within 90 days?

A Correct.

Q Okay. So within 3 months of this memo, DS/IP NEA --

A -- was going to run out of money.

Q Okay. There's also a mention here of asking to borrow money with no obligation to reimburse.

Can you explain that for us?

A What we -- where?

Mr. Snyder. Where are you reading?

Mr. Kenny. I'm sorry. Yes. It's actually just above there.

BY MR. KENNY:

Q You had mentioned the TDY tempo. There's a reference to TDY tempo in the paragraph directly before.

A Your statement about -- with regards to not paying it back. I don't remember seeing that in here. But -- restate your question, please.

Q Sure. So I'll just read. The sentence is -- it reads, "However, ultimately, IP/NEA will likely have to ask for additional funding with no obligation to reimburse if the TDY tempo is commensurate with 2011 levels," closed quote.

Do you see that?

A Uh-huh.

Q Okay.

A Okay. So, basically, what we're saying is we have $47,000 left that we can reimburse with if another office steps forward, because the money was being doled out, I believe, quarterly. Like, you didn't get your full budget all at once. And if we were under continuing resolution at the time, you got even less money.

So what he's saying here is at this tempo, we're going to run out of money. You know, we're asking to borrow money from anybody that's got money available, and we'll pay you back. But as soon as this 47,000 is gone, we have no more money, and we can't reimburse you.

Q Okay. I understand. And you mentioned if there was a CR, there would have been even less money?

A Correct.

Q Does that jog your memory about whether a CR was in place

at the time?

A I believe that there was.

Q Okay.

A Because the money -- during a CR, money gets doled out in very small little portions, just enough to kind of keep the normal stuff going and nothing for anything extra. And it's very difficult to operate emergency operations when we have a CR.

Q Okay. And that's because of the availability of funding under a CR?

A Correct.

Q Okay. Again, there's a note here about, perhaps, requesting a comment from the NEA bureau. Would that have been a request for financial assistance from the NEA bureau? Do you recall?

A During times of crisis, when DS resources are being tasked above and beyond what we had budgeted for, it was not uncommon for us to go back and work with our counterparts within the Bureau to see if they could help us secure additional funding, or if they had regional resources that, you know, they felt comfortable that they can, perhaps, share some.

Q And do you recall if that happened in this instance?

A I'll be honest, there were so many operational things going on, my intent with this memo was to get this into the hands of the budget people and to have the budget people work together to come up with a solution to get the money that was needed.

Q Okay. Okay. And do you recall if this $47,000 was ever

approved?

A We never ran -- we never ran out of money to the point where we said, okay, we can't send anybody else, there's no more money. We never went anti-deficient with funding. So the Department, collectively, between DS, financial personnel, and the Department, we were always funded for these types of posts.

Q But, specifically, this request for $47,000, do you recall whether that was approved?

A Yes.

Q That was approved?

A It would -- yes.

Q Okay.

BY MS. SAWYER:

Q And turning back to the recommendation page.

A The first --

Q Yes, just that first page.

A Okay.

Q And you had described those five as the potential options. So is it then accurate that that first recommendation was ultimately approved of these options laid out?

A Yes.

Q And do you recall whether any of the other options were approved or whether the approval of that one obviated the need to approve any of the others?

A Without seeing the final signed and cleared memo, I can't,

with 100 percent certainty, tell you what was approved on this document. I can tell you we never ran out of money. So funding was made available.

So it makes sense that this was approved, it was not denied. No one in the Department would deny funding required to support the emergency operations at any of our posts.

BY MR. KENNY:

Q You said funding didn't run out to your recollection. But funding was a consideration at this point?

A It was -- the funding that was in my pot of money was running out. But, collectively, the Department was pooling money from places where they could to fund this operation.

Q And do you know under a continuing resolution whether there would have been restrictions on the transfer of money?

A I am not a financial person --

Q Sure.

A -- so, I think the direction these questions are going on would be best directed at financial personnel.

Q Okay.

Mr. Kenny. I see with that, we're out of time. So we'll go off the record.

Ms. Lamb. All right. Thank you.

[Recess.]

Ms. Betz. I think we're ready to go back on the record. The time is now 11:39, 38.

Mr. Jordan. 38?

Ms. Betz. And I just want to note for the record, we are joined by two additional members, Mr. Jordan from Ohio and Mrs. Brooks from Indiana. So they are with us right now.

BY MS. BETZ:

Q Ms. Lamb, I want to go back to just a couple of issues that we talked about in the previous hours, just to help my understanding.

In our first hour, we talked about spot reports.

A Correct.

Q And that you had indicated that spot reports were issued when demonstrations had occurred. And is that -- is that correct? Is my recollection correct?

A Correct. A spot report is the initial immediate reporting so we can get the information as close to live time as possible, and also may not have time to do a full report, or a full cable. There may not be an emergency action committee meeting, but we get the information right away. There's a demonstration occurring right now, here's what we know, or it just occurred, ended peacefully, and everything's fine.

Q And are those a requirement, or are those just a routine --

A It is a requirement.

Q -- practice? It is a requirement.

A It is a requirement. And DS has a policy that lists the criteria of the threshold that meets spot reporting.

Q Great. And then just shifting issues, we talked about, in the last hour, my colleagues alluded to the CR that was in place.

A Uh-huh.

Q And I just want to clarify, because you had previously testified, I believe, before the House Oversight and Government Reform Committee in 2012 that resources weren't an issue as it relates to Benghazi and the terrorist attack. And I wanted to clarify, or confirm, whether or not that is still your position, or --

A That's -- that's a very good point, and that's a good question. And to clarify that, I would say, yes, any time there's a CR in security, our programs suffer across the board, because we are boxed in to a minimalistic maintenance of the current tempo. And we all know security doesn't work that way. Security peaks and valleys. So we need and the Department needs some sort of funding that does -- does not depend on a CR in any way, shape, or form.

So were we affected by it? Yes. But the Department did not let that affect the level of security or resources that got sent out to any post in need. And Pat Kennedy was absolutely, 100 percent amazing at focusing on and making sure that if there was a financial problem and if anybody ever came to him and said, you know, we really need this for this security reason, and we're out of money, Pat would go back, and he would have the financial people scrubbing the books to find money in the appropriate pots of money that could be shifted. Even if it was a temporary shift, he would prioritize the security needs on a worldwide basis for posts that were in need.

Q So is it fair to say that Pat Kennedy was aware of the funding issues that were associated with the TDYs in Benghazi?

A It would -- he, during his regular staff meetings when we discussed all of the Tripoli and Benghazi issues, he was aware, and he had financial people there from his staff that reported to him directly.

Q So he was shifting resources as it relates to --

A If it was necessary, he would not hesitate to do that.

Q -- Benghazi?

We talked a lot about staffing in the last hour, and I want to take a step back and focus on then-envoy Stevens' initial entry into Benghazi. Were you a part of those discussions and decisions about his security detail going in?

A Originally, when we first went back in Benghazi?

Q Yes. April 2011.

A Yes.

Q Yes. And was it a protection mission, that's my understanding, was the security posture?

A The DS role was to protect the envoy going in.

Q And what is a protective mission?

A It's to provide safe passage in and out of the country; and/or if they're staying, to maintain the security envelope around the protectee.

Q Is there a set number of DS agents that are associated with a mission?

A It depends on the mission, and it's generally established. In this particular case, we -- I called for a large meeting. The number

one and number two DS agents in charge of the mobile security division came. My deputy was there. There were other members of senior DS management. And we worked on the game plan to go back in and what was prudent and how many people. And however many people you send in, you have to be able to sustain them.

So bigger numbers is not always better once you get in there on the ground. And we needed to go in before we brought the protectee in, was key. And then once the first team went in, they were able to provide more detailed information on what resources we needed to come in with, what was available there, what wasn't available there. Food was one of the things we had to make provisions for. Water, some of the simple things that you would have thought we could have gotten on the local market.

So the initial team that went in provided the wealth of information that provided the final information that determined the teams that went in.

Q So in terms of decision-making, were you the decision maker as it relates to the staffing numbers and the staffing security profile that went with the envoy?

A I made the original recommendations, and the ops plan was drafted under my guidance. And that op plan went up through Scott Bultrowicz, if he was there, it would have gone through him and to Eric Boswell for clearance.

Q So Assistant Secretary Boswell would have had a final say, or would it have been an Under Secretary decision, or approval, I should

say?

A I'm not exactly sure how the approval went or not. I know that this type of operation would have been -- Assistant Secretary Boswell would have briefed it to Pat Kennedy. And then if Pat Kennedy had any concerns, he would raise them, and then we would walk backwards and address them.

Q So, initially, I believe there were eight agents that went in, and then an additional two agents came immediately, or right thereafter. Was that your decision, then, to send two additional agents?

A Unless I have the ops plan in front of me, there were so many ops before and after that, I don't recall exact numbers.

Q Did you consult with any of the other U.S. Government agencies that might have been on the ground at the time before going in regarding any type of security or security environment, threat environment?

A We were briefed by other agencies, yes.

Q Were you part of the decision, or did you make the decision to leave the Tibesti Hotel and move into other U.S. Government agency facilities and then to the interim agency, or interim facility?

A Okay. Say that one more time, please.

Q So at one point, or at a certain point, the mission left the Tibesti Hotel. Is that correct?

A Right.

Q Was that your decision to leave?

A No. This was a post recommendation from the security people on the ground that post and the senior policy person on the ground, then, felt it was in their best interest to move of the hotel and that was fully supported by all elements in Washington.

Q Okay. And from that point, to move to an interim facility, were you in charge of the security posture for those facilities in which the mission moved into?

A The physical security did not fall under my oversight. That fell under -- at that time, it was [redacted] in charge of physical security. And any facilities or compounds that were considered as viable options, he actually sent subject matter experts from his office out there to survey these properties and to make decisions on, you know, which ones were best for what reasons, and then they worked with the Department management as far as identifying which ones, and then the Department would lease the properties and work with the landlords regarding our --

Q So did [redacted] report to you, or was he your equal?

A No. He was my equal, and he was in charge of physical and technical security.

Q So [redacted] was in charge of the physical security. Were you in charge of the staffing, the DS agent, the personnel side of it?

A I was in charge of providing them the staffing resources that they requested.

Q And those were TDY?

A Yes.

Q And where were those TDY personnel drawn from? What pool?

A There is no pool. They were drawn from all office bureaus across DS. The majority would come from field offices.

Q Okay. So you were not involved in making any type of physical security assessments on --

A No.

Q -- either the interim facility or what would later be --

A No, I was not involved.

Q Were you part of any discussions once embassy Tripoli reopened regarding the change in terms of the protected mission to a more traditional RSO model, if you will?

A Can you be more specific?

Q So at a certain point the security posture of the mission changed, and it went from a protective mission to a RSO, more traditional post model, if you will, RSO, ARSO, reliance on a post mission, support. Were you a part of any of those discussions or decisions to change that security posture?

A Changes made to a security posture come from post, and then if they need additional resources, or even if they want to cut back resources, they will come in with their justification, and then it's reviewed back to Washington level, and then it's -- the requests are supported and filled. Or sometimes there are other options when -- if you drill down on the question, there may be another option to solve the problem than putting another person there. There may be something

technical that can be done to accomplish the same thing.

Q Well, let me ask it this way: And I'm going to read just some testimony from [redacted], your regional -- your desk officer for Libya at the time. He says, "The mission" -- it's page 18. Actually, we'll just go ahead and put this in as an exhibit.

[Lamb Exhibit No. 3

Was marked for identification.]

Ms. Betz. Just for the record, this would be testimony given by [redacted] before the House Oversight and Government Reform Committee in 2013. And I'm focusing on sort of the fulsome paragraph, answer, which reads, "Prior to that, it was a desk officer colleague of mine. The mission in around the same time, September, October, the mission in Benghazi changed essentially from a protection mission, which was run by our dignitary protection unit here in Washington to a more traditional RSO program management position, which pushed it back into DS/IP's, my officer's realm."

Ms. Welcher. Can we go off the record so she could read the --

Ms. Betz. Oh, I'm sorry.

Ms. Lamb. And I don't know that I've got the same page you have got.

Ms. Betz. It's page 8.

Ms. Welcher. Feel free to read it.

Ms. Betz. I'm sorry. I thought she was reading it.

[Discussion off the record.]

Ms. Betz. We can go back on the record. And I'll further

identify the document as exhibit 3. It is the interview of [redacted] conducted on Thursday, August 8, 2013, by the Committee on Oversight and Government Reform.

Ms. Jackson. What pages?

Ms. Betz. Pages 17, 18, and 19, but we'll focus on page 18.

BY MS. BETZ:

Q So the witness has had a chance to look at the document.

A Uh-huh.

Q And as I had mentioned before, focusing on this paragraph, which is the answer given by [redacted], he talks about the mission in -- around the same time, September, October, the mission in Benghazi changed essentially from a protection mission, which was run by our dignitary protection unit here in Washington to a more traditional RSO program management position, which pushed it back into DS/IP's, my office's realm."

A Correct. Now I understand.

Q So going back to the envoy's entry into Benghazi, were the TDYs, the DS agents, under your sort of portfolio? Did the dignitary protection unit fall under DS/IP?

A No. We all worked together, and MS -- the mobile security division was the first group that took them in. Okay? And then, I believe, they transitioned from the mobile security division to dignitary protection, and/or a mix of the two. And that was funded, and the staffing at that time was -- as it was rotating staffing, that was controlled by dignitary protection and paid by them.

Once we realized we were going to go back into Tripoli and raised the flag, then it became a permanent presence. It was no longer just a temporary envoy in Benghazi. So the minute we raised the flag and it became a permanent -- what was meant to be a permanent presence, that shifted it all back over to DS/IP.

Q And when you say "permanent presence" --

A An embassy. We were reopening an embassy.

Q In Tripoli?

A In Tripoli.

Q But for purposes of Benghazi, what was your understanding?

A At that point in time, we had no idea what the new Ambassador and what post was going to do with Benghazi. And I think Benghazi was -- you know, we had it, we had invested money in it, and they kept it until they were sure -- and the situation was very volatile when we first went in to Tripoli. So, you know, that was a policy decision. It wasn't a DS decision.

Q So to clarify, when say they kept it, who is "they"?

A The Department, posts.

Q But it wasn't a post at the time. So "they," was that something in Main State?

A Once -- once the flag is raised --

Q Correct.

A -- the Ambassador is in charge. The Ambassador owns that country, and DS is responsible for security under the direction in support of the Ambassador. The Ambassador answers back here to the

Department. And any policy decisions are outside the realm of DS or my position, DS/IP. Whether or not they keep Benghazi, why they keep Benghazi is not important to me as the head of DS/IP. What is important is that they are able to articulate what resources they need and that I'm able to get those resources for them to keep everybody safe.

Q So what was your understanding of the mission's legal status, if you will, at that point where it changed from a protection mission to a traditional RSO?

A I am not a legal person, I don't know.

Q Well, was it an official -- was it an official post in your mind? Did someone convey to you that it had some sort of official status connection with the embassy?

A You're talking about Benghazi?

Q Benghazi.

A Benghazi was a U.S. Government-, State Department-funded facility, and no matter what it was called when we first went in there, once the flag was raised and we had an Ambassador, in my mind, it would clearly fall under the Ambassador and post responsibility to support and maintain for everything.

Q And was that clearly communicated, that Benghazi fell under Tripoli?

A You would have to ask the policy personnel. I mean, this is how it's done all over the world. Albeit, we don't go into that many places the way we did there.

Q Well, what other places have we done that? Or done this?

A Well, I mean, we left Kuwait during the occupation. I served in Kuwait right after the occupation. And so when we go back in and we raise the flag, we're taking possession, and we're restarting our embassy. Had we not been able to go in -- in this case, I was the second RSO to go back into Kuwait. But the first facility is damaged, and they don't -- say, they don't originally go back into the first facility, so they started at the Ambassador's old residence, and that's where the small core group that first goes in raised the flag and declare their presence back in country until the new facility gets fixed and repaired or whatever.

So it doesn't mean that just because they leave there and go back to the official residency that we don't have a responsibility for the facility that we left behind. They either have to shut it or maintain responsibility for it.

Q Are those facilities typically given some sort of official status as it -- for example, an executive branch office, a consulate or a post?

A That -- those are policy decisions. They are not DS decisions, and, you know, some are closed, some are kept.

Ms. Betz. Mr. Jordan, I believe you had some questions?

Mr. Jordan. Sure. Thank you.

Ms. Lamb, thanks for being here. Admiral Mullen interviewed you as part of his responsibilities as one of the co-chairs for the ARB. Do you remember that interview?

Ms. Lamb. Yes, I do.

Mr. Jordan. Tell me about that. How long was it?

Ms. Lamb. Oh, that's been 3 years ago, 4 years ago. I have no idea how long it was.

Mr. Jordan. 10 minutes, 5 minutes, 2 hours?

Ms. Lamb. No, I was in there several hours. More than 1.

Mr. Jordan. More than 1. Okay. Who was there?

Ms. Lamb. Whoever sat on the ARB.

Mr. Jordan. Was the full board there?

Ms. Lamb. I don't recall.

Mr. Jordan. Well, was Mr. Pickering there?

Ms. Lamb. Yes.

Mr. Jordan. Were there three other members there, or -- I don't recall all the five members' names.

Ms. Lamb. I don't recall the exact member. There were more than three people on the other side of the table. And Pickering sat in the middle and Mullen sat to his right.

Mr. Jordan. Okay. Who, if anyone, from the State Department was there?

Ms. Lamb. I don't recall. I testified, was interviewed repeatedly over all of this, over an extended period of time, and I do not recall.

Mr. Jordan. So you don't know if anyone -- was Patrick Kennedy there?

Ms. Lamb. No, not -- the interview with the ARB, I was there by myself.

Mr. Jordan. You were there by yourself?

Ms. Lamb. Yes.

Mr. Jordan. You just said you testified repeatedly. How many times -- I recall a couple of times in front of Congress, and once in front of the OGR Committee. What other times you testified before Congress, just refresh my memory?

Ms. Lamb. In front of Congress, I believe those were --

Mr. Jordan. Just twice in that year?

Ms. Lamb. Right.

Mr. Jordan. Okay. And this meeting with the ARB, if my memory is right, that was the day before you were scheduled to testify in front of Congress? Is that right?

Ms. Lamb. I don't recall. I have no -- without seeing actual papers or calendars, I've been in retirement for a year and a half, and I apologize, but I have no recollection of time windows and exact dates. Unless you have papers to refresh my memory, I can't confirm dates and time.

Mr. Jordan. Do you recall testifying in front of the OGR Committee in October of 2012?

Ms. Lamb. Yes.

Mr. Jordan. And did -- the ARB interview was done prior to that?

Ms. Lamb. I don't recall if it was before or after.

Mr. Jordan. Well, Mr. Mullen has testified that it was done before.

Ms. Lamb. Okay.

Mr. Jordan. Okay. So at any point after the Mullen ARB meeting, or interview with you, did anyone from the State Department -- did you have any conversations, any meetings, from folks from the State Department regarding your testimony in coming up in front of the congressional committee, in front of the OGR?

Ms. Lamb. No, I don't believe so.

Mr. Jordan. Okay. Do you recall if the interview with -- the one I'm describing with -- do you recall how many interviews you had with ARB?

Ms. Lamb. I believe I only had one.

Mr. Jordan. Okay.

Ms. Lamb. There may -- I'm trying to remember. There was the one meeting, and I can't recall -- it may have been when the ARB originally convened. It was one meeting where there was Eric Boswell, Pat Kennedy, and myself, and I don't remember which group it was with.

Mr. Jordan. What other group would there be? If it wasn't ARB, and it was about Benghazi, who would you be talking to?

Ms. Lamb. Well, that's why I'm saying, in my mind, I'm thinking it was when the ARB first started, they called the three of us in to walk them through the incident, and --

Mr. Jordan. Wait. Wait. Wait. Who called you in -- so you are saying two different things, then. You said there was no State Department personnel in the meetings with -- in the meeting with the ARB, and now you're telling me that there are or there were.

Ms. Lamb. I am telling you my recollection of -- it was a

whirlwind during that time period.

Mr. Jordan. Focus on the ARB.

Ms. Lamb. Okay.

Mr. Jordan. So you are saying --

Ms. Lamb. The ARB, I am not 100 percent sure. I do know there was a meeting, which I believe possibly could have been the beginning of the ARB, where they wanted to hear from the three of us. And I remember that there were some sort of easels and drawings and statutes --

Mr. Jordan. Let me ask you this: Was there a meeting where Admiral Mullen was present, along with you and other people, other personnel, from the State Department?

Ms. Lamb. If that meeting with the three of us was in front of the ARB, yes, Admiral Mullen would have been there.

Mr. Jordan. And those other two individuals from the State Department were you, Patrick Kennedy, and who else?

Ms. Lamb. I believe Scott Bultrowicz might have been there.

Mr. Jordan. And do you know if that meeting took place prior to your testimony in front of the Oversight and Government Reform Committee?

Ms. Lamb. I do not know where it took place.

Mr. Jordan. Did Cheryl Mills talk to you before you testified in front of Congress?

Ms. Lamb. I mean, we were -- because of all the documents that were being sent up around this, we were in daily contact. [redacted]

was my primary contact at that time.

Mr. Jordan. [redacted] is who?

Ms. Lamb. He was in State legal.

Mr. Jordan. Same department these folks are in?

Mr. Snyder. I am not -- I'm not now.

Ms. Lamb. Yes. I mean, [redacted] was my primary contact. But if Cheryl Mills needed documents or needed -- or sometimes she would have a document and not understand --

Mr. Jordan. Did you have direct conversations with Ms. Mills?

Ms. Lamb. Yes, I would speak directly with Ms. Mills.

Mr. Jordan. And when you described earlier you had countless meetings and all, that would include the meetings you had with Cheryl Mills prior to testifying in front of Congress? That's part of that countless number of meetings you had?

Ms. Lamb. Part of, yes.

Mr. Jordan. Okay. Anyone else in the State Department that you met with on a regular basis, or at all, prior to Mr. [redacted], you mentioned Ms. Mills? Anyone else prior to testifying in front of Congress?

Ms. Lamb. I don't recall.

Mr. Jordan. Pat Kennedy?

Ms. Lamb. I met with Pat Kennedy and Eric Boswell routinely.

Mr. Jordan. Okay.

Ms. Lamb. I mean, I was still involved with world security and operations and -- I don't recall.

Mr. Jordan. Did anyone -- Mr. Mullen has testified that after he talked to you and prior to you coming in front of Congress, he gave Cheryl Mills a phone call. And he has testified under oath that he said he gave her a heads-up phone call, these are his words, because he thought that you were not going to be a good witness for the State Department. Are you familiar with that testimony from Admiral Mullen?

Ms. Lamb. Nope. First I've heard it.

Mr. Jordan. Did anyone specifically come up to you and talk about, Ms. Lamb, we need to make sure you're ready to go in front of Congress tomorrow; we need to talk a little bit about how your testimony is going to go, briefing meetings, those kinds of meetings? Did that happen?

Ms. Lamb. There were support meetings through DS legal and, you know, people had to clear off on the testimony -- you know, my presentation of the testimony, that there were examples of questions that may or may not be asked and that sort of thing.

Mr. Jordan. So they gave you sample questions?

Ms. Lamb. Uh-huh.

Mr. Snyder. If we can insert, this is getting into --

Mr. Jordan. Are you guys her lawyers?

Mr. Snyder. We represent the State Department, but this would be privilege, privilege would be held by the State Department, but it's still attorney-client communication.

Mr. Jordan. She works with the State Department?

Mr. Snyder. She's a former employee.

Mr. Jordan. I didn't ask that. I said did she work for the State Department?

Mr. Snyder. She currently does not work for the State Department, but the privilege still holds.

Mr. Jordan. All right. So the question is, were there sample questions given to her prior to coming from OGR?

Mr. Snyder. How her lawyers prepared her at the time she was at the State Department would be privileged and attorney-client privilege.

Mr. Jordan. I didn't ask the question. I asked were there sample questions.

Mr. Snyder. Yeah, but that gets into what preparation was done, and what her lawyers discussed with her. Just an unfair question.

Mr. Jordan. Okay. How long were those -- how long were those briefings and meetings and preparation meetings? How long were those?

Ms. Lamb. I have no idea. I have no recollection.

Mr. Jordan. Was it 10 minutes? I'll guess the same question I asked with the ARB, was it 10 minutes or was it 3 hours?

Ms. Lamb. I have no recollection of exact timing.

Mr. Jordan. Were there more than one?

Ms. Lamb. More than one?

Mr. Jordan. More than one prep session that you had prior to coming in front of the Oversight and Government Reform Committee.

Ms. Lamb. I had multiple discussions with [redacted] and multiple sessions of reviewing documents.

Mr. Jordan. Okay. Okay. And -- okay. Good.

Now, the -- do you agree with Mr. -- Mr. Mullen's assessment that you were going to be a poor witness? Do you think that's in any way accurate? And why would he say that?

Ms. Lamb. I have no idea.

Mr. Jordan. Okay. The ARB, I think, cited you for mismanagement, and you were subsequently disciplined by the State Department. Is that accurate?

Ms. Lamb. I was never disciplined by the Department, and I have never seen anything in writing that that was their assessment.

Mr. Jordan. Okay, well, we can get you a copy of that. Were you ever suspended by the State Department?

Ms. Lamb. We were put on -- four State Department employees were put on administrative leave for a short period of time.

Mr. Jordan. Right. With pay or without pay?

Ms. Lamb. With pay.

Mr. Jordan. And was there any due process for you to go through to -- what was the due process measures? They come to you -- State Department comes to you and says, you're going to be suspended on administrative leave -- not suspended -- on administrative leave for 4 weeks. Was there some kind of due process rights that you had when that was first given to you?

Ms. Lamb. I was not given any guidance.

Mr. Jordan. They didn't tell you had any way to appeal that or anything?

Ms. Lamb. No.

Mr. Jordan. Okay. And who told you that? Who told you that you were going to be suspended? Or you were going -- you were going to be on a 4-week administrative leave?

Ms. Lamb. Eric Boswell.

Mr. Jordan. All right. And when he told you that, he didn't say there's -- tell me how he gave it to you, he told you that information.

Ms. Lamb. He called me and Scott Bultrowicz in, and he said that we were to be out of the building by the end of the business day, and that we were on administrative leave.

Mr. Jordan. And did you ask him -- what was your response? I think I would say, really? Can I talk to anyone? Can I give my side of the sorry or --

Ms. Lamb. No, I -- Scott and I have been around DS a long time. And, I mean, we've seen this process, and we knew that there were administrative things that people were looking into, and we just said, yes, and did as we were told?

Mr. Jordan. And then how were you notified that you were -- you were -- when you could come back? Did you know right ahead that today you are going to leave and you can come back to a date in the future? What did they tell you?

Ms. Lamb. We were sent a letter telling us when to report back to duty.

Mr. Jordan. Okay.

All right. That's all I have right now.

BY MS. BETZ:

Q Just a couple of points of clarification. Were you afforded the opportunity to read the ARB's report?

A No.

Q So you don't know what they had conveyed or described regarding the personnel decisions that were made?

A No.

Q You had mentioned several meetings with Cheryl Mills. Were those specifically related post attack, or had you been in contact, or did you have meetings with her through -- substantively on Benghazi or any other issues prior to? Or did you -- let me rephrase it. Did you have regular meetings with her? Had you met with her previously?

A No. And these weren't regular meetings -- like one-on-one meetings.

Q Or part of a broader meeting that you might have been invited to?

A She -- it was my understanding, she was responsible for getting all of the documents that were being requested in -- and compiled in, you know, organizing the documents so they made sense, and making sure nothing got left out.

Because Cheryl Mills is not a security expert, she had a lot of questions about security policies, procedures, you know, what was routine, what was done under exigent circumstances. So there were several DS people there, not just myself, that were working to help bring all these documents together and to answer questions that she

had.

Mr. Jordan. Had you ever talked to Cheryl Mills before the Benghazi attack?

Ms. Lamb. No, I didn't even know her.

Mr. Jordan. Okay.

BY MS. BETZ:

Q Just to clarify, are you saying that Cheryl Mills was responsible for organizing the documents that the ARB used and evaluated as part of its investigation?

A I have no information as to how the ARB got their documents or what they requested.

Q Just to clarify, when you say that she was organizing documents, did she ever convey what those documents were for? Were they for congressional requests? Were they for the ARB?

A At that point in time, they were for congressional requests, and they were compiled -- because they were compiling not just DS documents, but also Department -- documents from throughout the Department having to do with Benghazi, they sequestered a large room in the basement. And it was like a processing center in there, pulling hard copies of documents and getting them all organized and copied to send over.

Ms. Betz. Oh, I'm sorry.

Mr. Jordan. In those prep sessions, just to go back again. You mentioned two names specifically, Ms. Mills or Mr. [redacted]. Am I saying that right?

Ms. Lamb. [redacted]

Mr. Jordan. [redacted] Okay. Anyone else in those sessions?

Ms. Lamb. There was someone else that worked for Mr. [redacted] There were other people that were compiling documents in there that -- so it was an effort, because there was such a volume of documents in a short period of time for me to -- I mean, many of these documents I never saw before. And in an effort to enlighten myself fully on what was going on behind the scenes at a lower level than what I was getting on a daily basis, I was trying to consume as much information as I could, and they availed these documents to me.

So the folks that were working different sections of compiling documents, I had the ability to ask them if I --

Mr. Jordan. Do you know names?

Ms. Lamb. -- needed something. No, they were staffers, staffer types.

Mr. Jordan. Have you ever talked to -- ever had a conversation with Secretary Clinton?

Ms. Lamb. She came in one time, I believe. She came in after Pat Kennedy and I came off the Hill, I think, in -- she just thanked us for our service and for testifying, and that was all.

Mr. Jordan. Wait. Wait. Wait. So when -- when did you have -- when you say you had one conversation, sounds like, when was that?

Ms. Lamb. It was after the testimony on -- the one that was televised.

Mr. Jordan. Oh, just recently, this past year?

Ms. Lamb. No. No. No. It was not a conversation with her.

Mr. Jordan. You've talked to Secretary Clinton once?

Ms. Lamb. No. I did not talk to her. She came into the room. There were several people in the room. It was after the joint testimony that Pat Kennedy and I did, and she just thanked us for --

Mr. Jordan. The one time you had interaction with Secretary Clinton was after Benghazi, and specifically, after you testified in front of Congress? Is that accurate?

Ms. Lamb. Yes.

Mr. Jordan. And who was in that meeting when she came in the room to thank you?

Ms. Lamb. Small room. I believe it may have just been Cheryl Mills, Pat, and I.

Mr. Jordan. Four people in the room, Cheryl Mills, Pat Kennedy, you, and the Secretary?

Ms. Lamb. Yes.

Mr. Jordan. And this is the only time, if any, interaction with the Secretary?

Ms. Lamb. Me, personally, yeah.

Mr. Jordan. So you never talked to her before Benghazi?

Ms. Lamb. I had sat in for Eric Boswell in staff meetings where she was -- where she led the staff meeting at part of my job.

Mr. Jordan. But you never had a personal interaction with the Secretary until after the tragedy in Benghazi and until after you had

went and testified in front of Congress?

Ms. Lamb. To the best of my recollection, yes. I mean, I never sat down and had a conversation with the Secretary.

Mr. Jordan. Great. Thank you.

BY MS. BETZ:

Q Let me just follow up. When you said you sat in the place of Boswell, Assistant Secretary Boswell, where she was in meetings, did any of these meetings have to do with Libya?

A No, they were just general staff meetings.

Mr. Jordan. Thank you, Ms. Lamb.

Ms. Lamb. Yes.

Ms. Betz. I believe Congresswoman Brooks would like to ask a question.

Mrs. Brooks. I believe earlier you testified about the fact that there seemed to be an unprecedented number of high-threat post requests during this period of time, and you've been there for 27 years? Is that right?

Ms. Lamb. Correct.

Mrs. Brooks. All in diplomatic security?

Ms. Lamb. Correct.

Mrs. Brooks. And, so, when did -- approximately when did this unprecedented number of requests for high-threat posts begin?

Ms. Lamb. It began when we stood up Iraq.

Mrs. Brooks. Okay. So approximately what year was that?

Ms. Lamb. Oh, my gosh. That would have been 2010, I believe.

I don't -- I don't remember when we -- I mean, we were -- because the military was in there first, and we were a small presence. But as we started building the new facility and then the transition, the numbers just kept growing. So it was in the 2010 timeframe.

Mrs. Brooks. And can you give us examples of the other -- so Iraq, Afghanistan, of course. What were some of the other posts that you had this unprecedented number of requests for high-threat training?

Ms. Lamb. Yemen, Tunisia, when they had their demonstrations and problems. So it was -- most of this stemmed from when the demonstrations, if they got out of hand and caused damage, which several of them did, the damage created weaknesses in our perimeter security. So we sent in -- we needed to send in resources to plug the holes that we had.

Mrs. Brooks. And we didn't have military in those personnel? Is that correct? In those places? That was where there was nonmilitary presence?

Ms. Lamb. Correct.

Mrs. Brooks. And at the time that you -- do you have any recollection at the time that you were assigning all of this personnel to Benghazi and Tripoli, any idea, roughly, how many different posts and places you had high-threat, you know, personnel -- high-threat trained personnel posted?

Ms. Lamb. You may be able to go back in the records. I mean, there's records kept of which posts are considered high threat, but I know, for a fact at that time, the big ones were Iraq, Afghanistan,

Yemen, where we were providing TDY support, which was the guiding light here, and then Benghazi and Tripoli.

BY MS. BETZ:

Q Can I clarify just something to follow up? When you talk about Afghanistan and Iraq, those are fortified embassies, correct?

A Yes.

Q Sana'a is an embassy?

A Correct.

Q Tunis is an embassy?

A Correct.

Q Juba, I think, has been mentioned, thrown in the mix? That is an embassy, correct?

A Right, correct.

Q And what is Benghazi?

A It was an interim facility.

Q Okay. So not heavily fortified?

A There were no standards required to be met for an unarmed facility.

BY MS. JACKSON:

Q And who made that decision, that the standards would not apply to Benghazi?

A The standards are written as such that they apply to permanent facilities, and interim facilities are to be -- we are -- we provide as much temporary security as we possibly can, and their security postures to be reviewed every 6 months, and then it's not meant

to be a prolonged period of time in an interim facility. It's meant to be at a point somewhere not far from probably the second extent -- you know, somewhere in the policy that has to make a decision, are we going to keep it, is it going to be a permanent facility or not?

[12:26 p.m.]

BY MS. JACKSON:

Q And did those discussions ever occur with regard to Benghazi?

A They would have taken place in December at the 6-month mark.

Q December of 2011?

A If we -- yes, because we were in mid December when we -- or mid 2011 when we first went in, so, yes, that is correct.

[Lamb Exhibit No. 4

Was marked for identification.]

BY MS. BETZ:

Q And to follow up on that, I'd like to show you a document, which I'll label as exhibit No. 4 for the record, and it's what appears to be a cover sheet.

And while the witness is looking at the document, I'll go ahead and identify it. It is State Department SCB0048116. It is an email from [redacted] to a number of individuals, one of which is the witness, dated February 10th, 2012. The document is identified as Secret except when separated from the attachment, and then the email itself is unclassified. So --

A Okay.

Q Just following up our discussion on the standards, physical

security standards and the applicability to Benghazi, the subject of this email says, 2012 extension of Benghazi exception approved and signed, and it appears that it is signed by Assistant Secretary Boswell.

Are you familiar with this email?

A No. I don't recall. I'm sure I got it, but I don't recall at this --

Q Do you -- are you aware of any type of discussion about extending the -- well, first let me ask, what was the Benghazi exception as it relates to OSPB standards?

A I was not --

Ms. Sawyer. Can I just make a comment here? We don't have the actual underlying memo, because we've separated it. I am concerned about the possible representation on the record as to what that underlying document actually represented, so if we are going to pursue this line of questioning, I think we need to go into the classified setting and let her see it.

Mr. Snyder. Well, for the record, she doesn't have a security clearance.

Ms. Betz. Right. And so I'm not going to get -- I wanted to know -- I'm just going to ask her about the email.

Ms. Sawyer. I have a serious concern --

Ms. Betz. Okay.

Ms. Sawyer. -- that you are representing the content of a document that is not actually reflected in the document attached to this email.

Ms. Betz. I'm not representing anything.

Ms. Sawyer. You were trying to get her to --

Ms. Betz. I'm just asking about the email.

Ms. Sawyer. -- acknowledge that it's about an exception that --

Ms. Betz. Well, I'm just asking her --

Ms. Sawyer. -- I don't know what the underlying email is about.

Ms. Betz. Well, it says the exception on the email.

Ms. Sawyer. It doesn't mention OSPB standards, which is our concern.

Ms. Betz. It says OSPB, approved and assigned Benghazi exception to OSPB.

Ms. Lamb. I can make this answer very simple. I was not responsible for OSPB standards or enforcement. That came under the physical security division within DS. This was not in my purview.

BY MS. BETZ:

Q And are you aware of any type of exception, special exception for Benghazi? Not that we have to go into the detail, but what -- was there some sort of assumption or exception for Benghazi?

A You should go back to the folks who signed that memo.

Ms. Betz. Okay. And now I'll defer, or yield back to Congressman Jordan.

Mr. Jordan. Thank you.

Ms. Lamb, I want to go back to the conversation the day you were told that you were going to be put on administrative leave. Tell me about that conversation again. Who was it, Mr. Boswell or --

Ms. Lamb. Yes.

Mr. Jordan. Mr. Boswell came into your office?

Ms. Lamb. No. He was in Scott Bultrowicz's office and called me. Well, we had a staff meeting, and following the staff meeting, he asked Scott and I to step into Scott's office, and --

Mr. Jordan. What did he say?

Ms. Lamb. When we went in, he just said that while the Benghazi incident was being reviewed, that we were going to be put on administrative leave.

Mr. Jordan. And did he tell you that you were definitely coming back, or what -- give me -- what else did he say --

Ms. Lamb. All he said --

Mr. Jordan. -- if anything?

Ms. Lamb. -- was that we had to be out of the building by the end of the business day and that we would be notified when we were coming back --

Mr. Jordan. And your reaction, again, was what?

Ms. Lamb. -- if we were coming back. Well, actual -- no. He did not say anything about coming back. All he said that was while it was under review, we were on administrative leave, and that was it. I mean, it was -- there was not a -- a discussion.

Mr. Jordan. Did anyone else -- prior to that conversation, did anyone else come up to you and talk to you and say, hey, you may be put on administrative leave. You may be taking the fall for the tragedy that took place in Benghazi?

Ms. Lamb. No.

Mr. Jordan. No one talked to you about this at all?

Ms. Lamb. No. Not from within the State Department, no.

Mr. Jordan. Anyone outside of the State Department?

Ms. Lamb. No.

Mr. Jordan. Okay. So you get one meeting from Mr. Boswell telling you you got to go.

Ms. Lamb. Correct.

Mr. Jordan. And your reaction was?

Ms. Lamb. I mean, we were speechless. I mean, we -- we didn't see that coming, but, I mean, we've dedicated our lives to the State Department, we --

Mr. Jordan. And now they're blaming you.

Ms. Lamb. Well, no. It was under review. And, you know, I've done the best I can in 27 years with the resources I was given. And I would follow both of those men anywhere, and I found that their standards were the same. And until it's reviewed --

Mr. Jordan. When did you -- when did you come back to work for the State Department, then?

Ms. Lamb. Oh, my gosh.

Mr. Jordan. Do you remember the date that you were put on administrative leave?

Ms. Lamb. December 18th.

Mr. Jordan. December 18th?

Ms. Lamb. Yes.

Mr. Jordan. 2012?

Ms. Lamb. Yes.

Mr. Jordan. And when did you come back?

Ms. Lamb. I believe it was August 25th of 2013.

Mr. Jordan. In that time, did you -- did you call anyone? Did you try to say, you know, what's going on? Why is it so long? When can I get back? I mean --

Ms. Lamb. No.

Mr. Jordan. -- it seems to me if I'm taking the fall for something that -- and I am told, you got to leave today, that I would have some kind of reaction like, I want to get back to work, I want to, you know, clear up any concerns about my reputation. You didn't do anything?

Ms. Lamb. No. I worked for the government. I have been a public servant my entire life. I enjoy helping people. I started as a police officer, I worked my way up in DS. And to me, that -- I've had a full career, and if I was not -- I was confident that a review would bring facts to light and that we would be returned to work.

Mr. Jordan. In that 8, what was it, so 8-month time frame, did anyone from the State Department contact you?

Ms. Lamb. No.

Mr. Jordan. Did you --

Ms. Lamb. Not that I recall.

Mr. Jordan. Did you contact anyone at the State Department?

Ms. Lamb. I mean, some of my personal friends I may have had conversations with, but, specifically, not with regards to everything

that was going on, no.

Mr. Jordan. And how were you notified that you were -- you were to come back to work in August?

Ms. Lamb. I received a letter via FedEx, I believe, or UPS. Came in the mail in one of those cardboard things.

Mr. Jordan. Okay. All right. Thank you.

BY MS. JACKSON:

Q And, Ms. Lamb, you then retired in the end of July of 2014? Is that correct?

A Yes, correct.

Q Okay. Have you done any work for the State Department since your retirement?

A No.

Q There's something called a WAE?

A No.

Q Okay. And have you done any other type of employment -- have you had any other time of employment --

A No.

Q -- since your retirement?

A No. [redacted]

Ms. Betz. And I believe Congressman Westmoreland has a few questions.

Ms. Lamb. Okay.

Mr. Westmoreland. [redacted]

Ms. Lamb. Yes.

Mr. Westmoreland. -- is that right? He was in charge of the physical security, right?

Ms. Lamb. That is correct.

Mr. Westmoreland. And you mentioned that he would go out and even do walk-arounds or, I guess, personal visits to these sites?

Ms. Lamb. I had not mentioned that here today. He controlled people who would go out and do surveys.

Mr. Westmoreland. Oh, okay.

Ms. Lamb. And his staff would do surveys, and they would come back and give him complete reports with photographs and technical specifications of what needed to be done to upgrade post.

Mr. Westmoreland. And I'm assuming that was done for Benghazi?

Ms. Lamb. Yes, yes.

Mr. Westmoreland. So an actual survey saying this needs to be improved, this needs to be improved or whatever?

Ms. Lamb. Correct.

Mr. Westmoreland. Do you think that Mr. [redacted] would have been one of the people Ms. Clinton described as security professionals? You know, we were asking her about when the request came in, you know, and she said that she gave that to the security professionals.

Ms. Lamb. Uh-huh.

Mr. Westmoreland. Do you think that Mr. [redacted] would have been one of those security professionals?

Ms. Lamb. Yes.

Mr. Westmoreland. Okay. Did you ever have any discussions with him -- since you had the DS, he had the physical, did you all ever have any discussions about what may have been felt necessary that a security agent have, a fighting position, whatever it might be that they -- did you ever --

Ms. Lamb. Our offices were physically right next to each other, so we frequently had conversations on requests that came in from posts all over the world.

Mr. Westmoreland. Did you ever have one about anything that may have come in from Benghazi or the --

Ms. Lamb. At this point in time, I can't specifically recall.

Mr. Westmoreland. But --

Ms. Lamb. I mean, I'm sure we did, but I can't recall a specific conversation.

Mr. Westmoreland. But he would be the security professional that all these requests would have come into?

Ms. Lamb. Yes.

Mr. Westmoreland. And would he have had the authority to either approve or deny those requests?

Ms. Lamb. You'll have to ask him. It would depend on the request. If the request was something that was not normal to the resources he had to be able to provide, and he'd have to go outside and spend additional money, perhaps he would have to go elsewhere for approval. If it was something that was within his toolbox, he would certainly have authority to approve it, but you would have to ask him

based on specific requests.

Mr. Westmoreland. Yes, ma'am. I mean, I'm just trying to picture how this thing --

Ms. Lamb. Right.

Mr. Westmoreland. -- kind of worked, if he had to --

You said when the flag's raised, the Ambassador controls the country.

Ms. Lamb. Correct.

Mr. Westmoreland. And, I mean, I can understand that. I mean, he controls the country. Does he control what visits he makes to different places in the country?

Ms. Lamb. Yes.

Mr. Westmoreland. Does he control how he would go from one place to another place?

Ms. Lamb. Just to clarify, are you talking about logistics or in security, or just his decision to do it? It would be a joint -- in an environment like that, which was very different than a normal post --

Mr. Westmoreland. No. I mean, like, if he said, hey, I'm going to Libya next week --

Ms. Lamb. Right. Or if he was in Tripoli and --

Mr. Westmoreland. I mean, to Benghazi.

Ms. Lamb. -- and says, I'm going to Benghazi next week --

Mr. Westmoreland. He was already in Libya. He was just going to go to Benghazi.

Ms. Lamb. Right. He should sit down with his security -- senior

security officer at post and they -- he should say what he would like to do, and then they should discuss the security logistics of what the RSO believes is necessary. They should also consult all resources at post for information on the security of where he's going.

Mr. Westmoreland. But if he wants to go --

Ms. Lamb. If he wants to go, he can go.

Mr. Westmoreland. He can go.

Ms. Lamb. And he will go.

Mr. Westmoreland. And it's up to his security team to figure out the best way to take him down there --

Ms. Lamb. Exactly.

Mr. Westmoreland. -- wherever he's going.

Ms. Lamb. Exactly.

Mr. Westmoreland. Okay. Now, he controls the country and what he does and whatever, you know, what's going on there.

Ms. Lamb. Uh-huh.

Mr. Westmoreland. Would a request for security upgrades -- since he's in control of the country, I'm assuming he doesn't answer to Patrick Kennedy. Does he?

Ms. Lamb. Well, I don't -- I'm not sure about the answer to that question, and I mean, he can't spend money that he doesn't have.

Mr. Westmoreland. No, I know. Yeah.

Ms. Lamb. So depending on what he needs or what he wants, but he's -- he has an obligation to report back up to the Department and receive guidance from his own desk officer and policy personnel within

the Department, so --

Mr. Westmoreland. So would he be accountable to Mr. [redacted]? I mean, would he have to ask Mr. [redacted] to do anything?

Ms. Lamb. If he needed physical security upgrades at post, normally the Ambassador would sit down with the RSO and say, you know, I came in today and I was looking at that wall, and I'd like to have it about 3 feet higher. Then the RSO would say, you know, that's a great idea. Let me send a cable back. The cable would go back into [redacted] office, and then they would review what is it going to take to raise that wall 3 feet.

Mr. Westmoreland. Okay.

Ms. Lamb. So that's kind of the chain of events for getting --

Mr. Westmoreland. Well, I'm --

Ms. Lamb. -- a security upgrade.

Mr. Westmoreland. -- just being -- having been a small business guy, kind of -- you know, I'm kind of instructing people on what to do, and after 2 months, the wall wasn't any higher, I would have gone back to the RSO and gone, Why isn't that wall higher?

Ms. Lamb. Right.

Mr. Westmoreland. And I'm assuming then the RSO would have called Mr. [redacted] and said, Hey, the Ambassador's on my butt. I need to know why the wall's not higher. Would that be a good assumption just -- that that would be the way the thing would play out?

Ms. Lamb. It could, yes, but, I mean, everything takes -- a real-life example in Benghazi was the need for upgraded cam -- CCTV

cameras and lighting on that compound.

Mr. Westmoreland. Sure.

Ms. Lamb. You can't just fly in and throw them up. A survey team has to come out, measure the distance, time --

Mr. Westmoreland. No. I --

Ms. Lamb. -- and get all the equipment at post, so it takes time.

Mr. Westmoreland. I know. I gotcha.

Ms. Lamb. Yeah.

Mr. Westmoreland. But if I was the boss --

Ms. Lamb. Right.

Mr. Westmoreland. -- and I wasn't getting any answers --

Ms. Lamb. Right.

Mr. Westmoreland. -- and I wasn't seeing these upgrades done --

Ms. Lamb. Right.

Mr. Westmoreland. -- I wouldn't have called Mr. [redacted], I wouldn't have called Mr. [redacted] boss. I would have called the big boss and say, we raised the flag, I'm the Ambassador, I'm screaming for help, and I can't get anybody to do anything.

Who would that person have been?

Ms. Lamb. It didn't happen --

Mr. Westmoreland. Who was Mr. [redacted] boss?

Ms. Lamb. As in the Ambass --

Mr. Westmoreland. No. As in the State Department. I mean, who did Mr. -- you reported --

Ms. Lamb. Oh, [redacted]. [redacted] and I both reported to Scott

Bultrowicz, and Scott reported to Eric Boswell, and Eric Boswell reported to Pat Kennedy.

Mr. Westmoreland. Okay. So it was somewhere in that chain that these things didn't get done. But you were never in that chain for physical upgrades, right?

Ms. Lamb. Not for physical upgrades, no.

Mr. Westmoreland. Was -- but Mr. [redacted] was, right?

Ms. Lamb. Correct.

Mr. Westmoreland. But how come he didn't get put on administrative leave rather than you and Mr. Bultrowicz?

Ms. Lamb. You'll have to go back to the board that made the decision.

Mr. Westmoreland. Does that seem strange?

Ms. Lamb. [No verbal response.]

Mr. Westmoreland. Because nobody in that chain -- nothing happened to anybody in that chain about physical security. I just -- I don't know. It just -- it seems like that somebody's got to have an answer in that chain from Mr. [redacted]

Ms. Lamb. I was not privy to all the information, the reviews, the interviews. I can't comment on that.

Mr. Westmoreland. Because your DS agents were very brave.

Ms. Lamb. They were.

Mr. Westmoreland. I'm telling you, they were very brave, and I give them --

Ms. Lamb. They were.

Mr. Westmoreland. After interviewing them, I give them credit for doing what they did and having the guts to not fire a shot, not to make it any worse, just to hold it till somebody else could get there for them. They -- they were very brave. And so what happened that night didn't have anything to do with the DS agents and how they performed. It had to do with what kind of physical assets were there as far as machine guns, you know, all different types of equipment, but nothing to do with DS agents, and that's the reason I'm confused why you were put on administrative leave.

Ms. Lamb. I can't answer that question, sir.

Mrs. Brooks. I have a couple of follow-up questions on administrative leave. Do you have any more that you want to --

Mr. Westmoreland. No, ma'am. If you want to.

Mrs. Brooks. Thank you.

When Eric Boswell came and informed you and Scott in a private meeting after a fuller meeting that you were being placed on administrative leave and told to leave by the end of the day, were you told to, like, clean out your desk?

Ms. Lamb. No. We were just told to leave the building by the end of the day.

Mrs. Brooks. Leave the building by the end of the day. And did you ever receive anything in writing about your administrative leave?

Ms. Lamb. I did, but it wasn't immediate. It seems like it was a while afterwards.

Mrs. Brooks. Like a month?

Ms. Lamb. It was a while.

Mrs. Brooks. Okay. Or a couple months?

Ms. Lamb. I don't recall exactly.

Mrs. Brooks. And did you consult with any attorneys --

Ms. Lamb. No.

Mrs. Brooks. -- at all? Do you know if consulted with any attorneys?

Ms. Lamb. I do not.

Mrs. Brooks. Did you and Scott communicate during those 8 months?

Ms. Lamb. No, we did not.

Mrs. Brooks. Okay. And did you -- besides the friends that you -- were any of the friends in the Department that you communicated with, were they higher seniority than you were?

Ms. Lamb. No.

Mrs. Brooks. Okay. And so after you -- but you received a paycheck?

Ms. Lamb. Correct.

Mrs. Brooks. Every 2 weeks or once a month?

Ms. Lamb. I think we got paid every 2 weeks. It was a direct deposit.

Mrs. Brooks. And were you informed you were going to be getting paid?

Ms. Lamb. Administrative leave with pay means that you will get paid, yes.

Mrs. Brooks. And did you receive your full pay?

Ms. Lamb. I did.

Mrs. Brooks. Are you a member of any union?

Ms. Lamb. No.

Mrs. Brooks. Were you at that time?

Ms. Lamb. No.

Mrs. Brooks. Okay. And so -- so you didn't know when you were going to be returning, because you weren't informed at that point, correct?

Ms. Lamb. Correct.

Mrs. Brooks. And so did you have any conversation with HR personnel?

Ms. Lamb. I did not.

Mrs. Brooks. Okay. And did you hear from anybody in the State Department during those 8 months?

Ms. Lamb. No.

Mrs. Brooks. Did you hear from anybody outside of the State Department during those 8 months about your leave?

Ms. Lamb. About my leave? No.

Mrs. Brooks. About anything that happened with Benghazi?

Ms. Lamb. No.

Mrs. Brooks. Okay. So you were really -- did you stay in town?

Ms. Lamb. No.

Mrs. Brooks. Where did you go?

Ms. Lamb. I went to be with family in Florida for most of that

time.

Mrs. Brooks. Okay. And how soon after you were ordered to --

Ms. Lamb. Well, I take that back.

Mrs. Brooks. -- administrative leave, did you leave town?

Ms. Lamb. Let me just clarify. I had children in school in Virginia, so during the school time, I was there, but whenever they had leave and then when summer came, I was outside of Virginia.

Mrs. Brooks. Okay. So you had children in school in Virginia. This happened in December, and so you stayed in Virginia then?

Ms. Lamb. Well, we left during the -- they were on Christmas break, so we left and then came back when they went back to school.

Mrs. Brooks. Had you ever been placed on administrative leave before?

Ms. Lamb. No.

Mrs. Brooks. And do you know what your personnel record reflects with respect to your administrative leave?

Ms. Lamb. I do not.

Mrs. Brooks. Did you have any ramifications with respect to your retirement pay because you were on administrative leave, do you know?

Ms. Lamb. I don't know.

Mrs. Brooks. Okay. Were you concerned -- obviously having been a police officer, having been in State Department for 27 years, how did you feel during that period of time?

Ms. Lamb. It was an election year, and I just kept telling myself don't take it personally. I'm --

Mrs. Brooks. And so --

Mr. Westmoreland. A lot of us say that.

Mrs. Brooks. -- you felt that that was what was happening?

Ms. Lamb. Well, it had to be reviewed. I mean --

Mrs. Brooks. Sure.

Ms. Lamb. -- it did, that was the right thing to do, but it seemed to be drawn out and there seemed to be a growing number of people wanting to investigate and to get in different people with different interests instead of having it all done under one comprehensive review, which, you know, became frustrating at best, but -- but, no, I did not take it personally.

Mrs. Brooks. How many ARBs had you ever been a part of before?

Ms. Lamb. I had actually been part of several, but not in the capacity that I was for this one.

Mrs. Brooks. In that being head of DS for --

Ms. Lamb. And partially being a witness, because I was in the command center as things were unfolding, so I had firsthand access to certain things as they were happening or being said in that command center, where previously, I was part of -- I would go to an ARB to be there to provide policy -- the ARB would review the event and then they would say, Could you explain the travel policy for this post to us and how did travel policies work? So I was normally at an ARB to clarify the rings of security and operation and post policy versus policy coming out of headquarters, that type of thing.

Mrs. Brooks. And had you ever been a part of an ARB where people

had died, where State Department personnel had died?

Ms. Lamb. I'm trying to recall that.

Mrs. Brooks. Because there have been in your career.

Ms. Lamb. There have been. And there was, I believe four -- there were AID employees that had died. There were some that deaths were involved, yes.

Mrs. Brooks. Okay. Had you -- but you've already said you had never been placed on administrative leave or disciplined --

Ms. Lamb. No.

Mrs. Brooks. -- at any other prior time?

Ms. Lamb. No.

Mrs. Brooks. Okay. And -- and then when -- and you received a letter in UPS or FedEx informing you of your return date?

Ms. Lamb. Correct.

Mrs. Brooks. And when you -- and you returned, I assume, on that date?

Ms. Lamb. I did. Actually, I think [redacted] I started annual leave for a week [redacted] and then I came back.

Mrs. Brooks. Okay. And when you came back, after having been gone for 8 months or so --

Ms. Lamb. Right.

Mrs. Brooks. -- 8-1/2 months, what was your reintegration process?

Ms. Lamb. There was no process.

Mrs. Brooks. So you stepped immediately back into the same -- the exact same position?

Ms. Lamb. No. I was given a new office and desk and just asked to work on special projects.

Mrs. Brooks. Okay. And I'm sorry. I -- what was your new office and new desk?

Ms. Lamb. It was on the eighth floor, and there was no title.

Mrs. Brooks. What do you mean there was no title?

Ms. Lamb. Well, I mean, I was the deputy assistant secretary in charge of international programs when I left, and when I came back, I came back just to a desk and an office and asked to do special projects.

Mrs. Brooks. And so --

Ms. Lamb. So I was not tied to any office or division within the DS bureau.

Mrs. Brooks. And what -- can you just give me an example of the special projects that you worked on from August of 2013 until you retired?

Ms. Lamb. I took -- originally I took training, because I was -- I had to bid on an onward assignment, so it was kind of like a -- so basically when I came back, I had no position. I had to bid on a new job. Not knowing where I was going to go before the bid season started, there was time, so I volunteered to go to high-threat training. So I went to high-threat training.

Mrs. Brooks. Okay.

Ms. Lamb. And I took that course and I took -- I'm trying -- I took a blue force tracker course. I took a series of training courses.

Mrs. Brooks. Okay.

Ms. Lamb. So I did probably 4 to 6 months of additional training.

Mrs. Brooks. You didn't supervise anybody?

Ms. Lamb. I did not supervise anybody.

Mrs. Brooks. You had no authority?

Ms. Lamb. No.

Mrs. Brooks. Okay. And you were no longer involved -- were you still part of Diplomatic Security?

Ms. Lamb. Yes.

Mrs. Brooks. Okay. Did -- were you involved in any meetings?

Ms. Lamb. No.

Mrs. Brooks. Okay. You were no longer involved in any meetings?

Ms. Lamb. Correct.

Mrs. Brooks. Okay. And what did you think of this process?

Ms. Lamb. I mean, it was a first, I think, for DS to have people go on administrative leave and then come back, and, you know, perhaps they just weren't quite sure what to do with anybody, but it was -- you know, in all honesty, they were asking us to bid on onward assignments at grade that would put us out in a position of responsibility in the field.

Mrs. Brooks. And when you were in your new role bidding on projects, did you -- where did you apply to go?

Ms. Lamb. Bidding on assignments?

Mrs. Brooks. Yes.

Ms. Lamb. I bid on -- I was actually assigned to Ottawa in Canada. [redacted]

Mrs. Brooks. And so did you take that assignment?

Ms. Lamb. Yes, I did.

Mrs. Brooks. And you actually went to Ottawa?

Ms. Lamb. No, I did not take it. I went through medical, I went through all the briefings. I did everything in the lead-up, and I was probably about 30 days from actually leaving, in fact, we were down almost to my pack-out date, [redacted]

Mrs. Brooks. [redacted] Okay. And so then you withdrew?

Ms. Lamb. Correct.

Mrs. Brooks. Okay. And then what happened? Was that your last --

Ms. Lamb. That was when I put in my retirement papers, yes.

Mrs. Brooks. Okay. And prior to your administrative leave, had you had regular performance evaluations?

Ms. Lamb. Yes, I had.

Mrs. Brooks. And when was your last performance evaluation prior to your administrative leave?

Ms. Lamb. It would have been, what was it, December of 2012 that

we went, so that April, May.

Mrs. Brooks. April of 2012 or May of 2012?

Ms. Lamb. I think the deadline is May 1st for the evaluations to be in, so it would have been the spring evaluation.

Mrs. Brooks. Did you -- and who did your evaluation?

Ms. Lamb. It would have been Scott Bultrowicz and Eric Boswell.

Mrs. Brooks. Okay. And did you have any performance issues that you needed to address in April or May?

Ms. Lamb. No, I did not.

Mrs. Brooks. Had you ever had any performance issues requiring improvement? I mean, I know -- I recognize there are different categories in performance evaluations when done properly.

Ms. Lamb. Right.

Mrs. Brooks. Had you had an annual performance evaluation previously?

Ms. Lamb. Every year.

Mrs. Brooks. Every year?

Ms. Lamb. Correct.

Mrs. Brooks. Okay. And were you ever disciplined or given any other problem -- or any other additional supervision or any additional prior to your administrative leave?

Ms. Lamb. No. I received multiple awards over my career. In 2011, I was nominated for a Presidential award.

Mrs. Brooks. What was that nomination for?

Ms. Lamb. For the work I did in the transition for security in

Iraq from DoD to Diplomatic Security.

Mrs. Brooks. And so you were -- you were nominated by whom?

Ms. Lamb. The board that reviews the EERs collectively. At the end of -- when the committee reviews everyone's EERs, they will make a recommendation if they feel anyone is worthy of meeting the criteria for a Presidential award, they put their names forward.

Mrs. Brooks. And it sounds like -- would that be the highest award that a State Department employee can receive?

Ms. Lamb. Yes, it is.

Mrs. Brooks. Okay. Did you receive that award?

Ms. Lamb. No, I did not.

Mrs. Brooks. Okay. Do you know how many State Department employees were nominated that year for a Presidential award in 2011?

Ms. Lamb. Not the exact number, no.

Mrs. Brooks. Okay. Was anyone else in Diplomatic Security nominated for a Presidential award?

Ms. Lamb. To my knowledge, I was the first person ever to be nominated for that award.

Mrs. Brooks. The first person ever for --

Ms. Lamb. Out of Diplomatic Security.

Mrs. Brooks. -- Diplomatic Security to be --

Ms. Lamb. That's correct.

Mrs. Brooks. Okay. Well, congratulations on that nomination.

Ms. Lamb. Thank you.

Mrs. Brooks. Thank you for your service. I don't think I have

anything further.

Ms. Lamb. Thank you.

Mrs. Brooks. Thank you.

Ms. Betz. And we'll go off the record.

[Recess.]

[1:53 p.m.]

Mr. Kenny. We'll go back on the record. The time is now 1:53, if I'm reading the clock correctly.

BY MR. KENNY:

Q And, Ms. Lamb, thank you again.

A You're welcome.

Q Appreciate your patience with us today.

I'd like to start this round by going back to the last round before we broke for lunch and asking a set of clarifying questions about some of the topics that came up there and then we'll shift into some new topics --

A Okay.

Q -- perhaps in the latter half of our round.

There was a discussion in the last hour about the status of the mission in Benghazi, particularly with regard to its relationship with Embassy Tripoli. Do you recall that discussion?

A Yes.

Q Okay. And it's our understanding that a chief of mission is responsible for all U.S. Government personnel, the security for all U.S. Government personnel in country at any given time. Is that correct?

A That is correct.

Q Okay. Do you know, is -- does that requirement happen to be spelled out in the FAM, for instance?

A When an Ambassador receives a position, they're sent a letter of instruction from the President, and it is outlined in that letter of instruction.

Q Okay. And, again, that instruction would be that the chief of mission, the Ambassador in this case, would be responsible for the safety and security of all American personnel in country?

A Correct.

Q Okay. And we haven't seen any evidence that there was any confusion about that particular aspect, but I'd like to ask, do you have any evidence that Ambassador Stevens was -- or that there was any confusion about his responsibility for personnel in Benghazi?

A No. I don't believe there was any confusion on Ambassador Stevens' part.

Q Okay. Thank you.

I'd like to fast forward now to the post attack period. You were asked a long string of questions about documents and your participation in certain interviews and meetings following the attacks. You, at one point -- in my notes, I had written down that there were documents that were collected. Did you participate, in any way, with the collection of documents from your office to provide to others in the Department after the attack?

A To the extent that I had a large, all-inclusive staff meeting and asked -- individual DS agents were being -- I mean, the whole entire Diplomatic Security bureau was asked if you had any emails pertaining to Benghazi and Tripoli, you were to make sure that they

got put into the Freedom of Information Act and that they were forwarded. I think they had a place where to send them. And they were also doing electronic searches through the IT department to, you know, grab emails, but sometimes emails aren't readily recognized as being specific to, you know, a given post or something in the way they're written. So I --

Q Did you personally provide any documents to any person or office related to the attacks?

A I had so many documents worldwide, I asked the -- our IT people to personally -- so I didn't miss anything -- go through and pull them, and then I went back through and -- they pulled them, I reviewed them, and then I went back through to find anything that wasn't obvious. And I think I did -- I don't recall, but I think I found a few things that did not come up in what they pulled that I, you know, asked to be added to it.

Q Okay. And I think you had mentioned that that process was begun in response to a congressional request.

A Correct.

Q Is that right?

A Correct.

Q Okay. And do you recall that there was a request letter that was sent from Congress to the State Department before the ARB was convened in the late September time frame?

A There were so many requests from so many different -- I don't know the time frame that letters were sent in.

Q Okay.

A And they did -- they wouldn't come to me, they would come in to the --

Q Okay. So you don't have recollection of specific letters --

A No.

Q -- but you recall there being Congressional requests for information at this time?

A Correct, correct.

Q Okay. And so this process of collecting information was then built, or set up, to respond to those requests. Is that accurate?

A Correct.

Q Okay.

A Correct.

Q And I'd just like to ask who told you that, or how did you learn that there were congressional requests for information?

A I believe Ambassador Boswell actually put it out at a staff meeting, because it was affecting the entire bureau of Diplomatic Security, and so many of our agents had rotated through on TDYs and they were scattered all over the world in, you know, their regular assignments, so he put it out in a staff meeting to all supervisors that they were to pass the word down to their staffs to make sure that they fully cooperated in getting all these documents forward to the right place.

Q Okay. And I believe you had also mentioned that at certain

points in time throughout this process, you would be asked discrete questions about certain documents, or questions about specific documents?

A To -- yeah. To explain what something meant, yes.

Q Okay. That's helpful. And did you yourself personally participate in a document review in this time period?

A In my preparation to testify, I personally reviewed documents.

Q Okay.

A And they were already being collected and were all in one place, so I asked for access to those documents --

Q Okay.

A -- rather --

Q So access was provided to you?

A Yes.

Q Did you feel you had sufficient information from which to develop testimony?

A I did.

Q Okay. You had mentioned a basement room where documents were being processed, or documents were being stored. Did you personally participate in any -- any review within that space?

A Yes, because, I mean, a lot of these documents were classified, so I would just go in and I would pull what I needed to see, and I would go sit in a corner and read them.

Q Okay. And what was your understanding, then, of what was

occurring in this space? So can you just describe for us, were there multiple terminals, multiple people, stacks of documents? What sorts of --

A All of the above.

Q Okay.

A There were Xerox machines, there were stacks of papers, there were the -- the big boxes you use to move an office, and there were lots of people in there working to collate these documents.

Q Okay. And when you would review those documents, what was it that you were reviewing them for?

A Primarily timelines. I mean, watching -- and as you know, a lot of questions generated here today kept coming back to timelines, which are now fuzzy, but at that time, it was important, and I felt it was important that I went and prepared, that I accurately had the timeline for everything that was done out there.

Q And were there other colleagues or subordinates of yours who participated in this document review?

A Yes.

Q So there were personnel from Diplomatic Security who participated in that review?

A That's correct.

Q Was your understanding that there were personnel from other departments --

A Yes.

Q -- other bureaus involved as well?

A Yes, yes.

Q Okay. Were you ever instructed, at any point, to separate out any information that might be damaging to the Department --

A No.

Q -- in those documents?

A No, no.

Q Okay. There has been a public allegation to that effect. Are you familiar with that allegation?

A There have been so many rumors, I --

Q Okay.

A -- I don't know.

Q But you weren't personally ever asked, you never --

A No.

Q -- to separate out damaging documents?

A No, no.

Q And none of your personnel, no Diplomatic Security staff, to your knowledge, were ever asked to separate out damaging documents?

A If they were, it was never brought to my attention.

Q Okay. And would you have expected a concern, if someone had a concern about a request like that, to be raised to your attention?

A I believe that the people that were working in there at the time would have been comfortable to pull me aside and say that they had been asked to do so.

Q Okay. So to the best of your understanding, this document review process was -- the purpose of it was to collect information and

to help develop timelines for what happened, to better understand the attack?

A Correct.

Q Okay. One of the specific allegations that have been raised about that particular room or that space was that the Secretary's chief of -- then-chief of staff Cheryl Mills, Director of Policy Planning Jake Sullivan, that they somehow oversaw a process that removed or destroying damaging documents for the Department. Do you have any evidence that would support that allegation?

A I never witnessed anything to that effect.

Q Okay. More generally, did you see anyone destroy, remove, attempt to remove or destroy any Benghazi-related documents?

A No. And I had members of my staff in there full-time, and they would have said something if something would have occurred.

Q Okay. You were asked some specific questions about your preparation for testifying before Congress. I'm not going to ask questions specific to that. I'd like to just take a step back and ask, during that time period, did anyone ever warn or threaten you with reprisal for speaking to Congress?

A No.

Q Did anyone ever tell you to provide intentionally inaccurate or misleading information to Congress?

A No.

Q Okay. Did anyone, in effect, tell you to lie to Congress?

A No.

Q Okay. And it's been noted in the record, but you did appear before the Committee on Oversight and Government Reform for a transcribed interview on October 9, 2012. Is that correct?

A Yes.

Q Okay. And did you provide truthful statements during that interview?

A I did.

Q Okay. And you did ultimately testify before the committee the next day on October 10, 2012. Is that correct?

A Correct.

Q Okay. And did you provide truthful testimony then?

A I did.

Q You were asked about a meeting that -- I'm not sure "meeting" is the word that you used, but an encounter with the Secretary --

A Correct.

Q -- following your testimony on the Hill?

A Correct.

Q I'd just like to ask you, you had mentioned, I believe at the outset, that you had served as the DAS for IP for 6 years. Is that correct?

A Correct.

Q Okay. So you were the DAS under both the current administration and the previous administration?

A Correct.

Q Okay. Do you recall, was it part of your ordinary course of business that you would regularly or routinely interact with Secretary Rice in the previous administration?

A No. I've never act -- interacted with Secretary Rice. Oh, with Condo- -- I would -- we're talking about Secretary of State Condoleezza Rice?

Q Correct.

A I would, on occasion, be in meetings representing Eric Boswell, who would routinely sit at those morning meetings with her.

Q Okay.

A And I think I only attended two during her tenure.

Q And that's with Secretary Rice?

A Correct.

Q And I believe that's similar to the meetings that you described that you participated in with Secretary Clinton?

A Secretary Clinton, correct.

Q Okay. So there was no difference, then, in your interactions with the Secretary under Secretary Rice --

A No.

Q -- versus Secretary Clinton?

A No.

BY MS. SAWYER:

Q So when you were asked a number of questions about getting ready to testify before Congress -- well, first of all, was that the first time you had ever testified before Congress?

A I believe it was, yes.

Q And you were asked a number of questions about that and also just your interactions with, among others, Secretary Clinton's chief of staff, Cheryl Mills.

A Uh-huh.

Q Do you recall any specific meetings that she was in with you in preparation for your congressional testimony?

A I mean, there were several -- I don't want to say several. There were a few meeting -- [redacted] was my -- I stuck to him like glue, and a lot of it was, because it was televised and what's classified, what's not classified, there were a lot of things in -- that needed to be discussed so that there was clarity on what areas we could go in -- I could go into and what I couldn't in that setting of testimony. So to that end, yes, there were discussions.

Q And my colleague asked you more broadly as to whether or not you were ever told to lie to Congress or be anything other than truthful. There have been questions, a lot of questions about Ms. Mills in particular. So just specific to her, did Ms. Mills ever indicate to you that you should withhold information from Congress?

A Never, never.

Q Did she provide you substantive guidance on what you could and could not say to Congress?

A No. I mean, I heavily leaned on [redacted] and our counterparts from the Annex to decide what could and couldn't be covered during those testimonies, and --

Q And that was with regard to get -- trying to avoid getting into information that was not in the public domain?

A Was not appropriate for that setting, yes.

Q Did anyone ever indicate to you that you should shade your testimony in a way that was more favorable to the State Department than the facts indicated?

A No, no.

Q Did they ever indicate to you that you should do anything other than represent the facts, to the best of your knowledge and recollection?

A No, no.

Q Did they ask you to paint the State Department in a particularly favorable light?

A No.

Q While we're on the topic, you also had indicated you spoke with the Accountability Review Board with regard to Benghazi.

A Correct.

Q You said you had already participated -- you had also known of other ARBs that were stood up during your time.

A Uh-huh.

Q With regard, specifically, to the Benghazi ARB, with regard to there has been some question about whether the ARB was sufficiently independent. Did anyone at any point in time, prior to or in relation to your discussions with them and interviews with them, talk to you about what you were going to say to the Accountability Review Board?

A In the ARB? No.

Q Did anyone instruct you to lie about any of the facts about Benghazi?

A No.

Q Did anyone ask you to conceal facts that might be damaging to the State Department?

A No.

Q Did anyone ask you, in particular, to conceal facts that might be damaging to Secretary Clinton?

A No.

Q To Under Secretary for Management Kennedy?

A No.

Q Do anyone else in particular within the State Department?

A No.

Q Did anyone ever ask you to withhold any evidence from the Accountability Review Board?

A No, no.

Q And did you feel free to be fully honest, truthful, and forthcoming with them?

A I did. And my instructions from [redacted] were --

Mr. Snyder. Object -- well, sorry. You don't have to disclose --

Ms. Sawyer. Right.

Mr. Snyder. -- what you and your lawyer discussed --

Ms. Lamb. Okay.

Mr. Snyder. -- of what the instructions are.

Ms. Lamb. Right.

Mr. Snyder. It's just not a good idea.

BY MS. SAWYER:

Q Yeah. There are sensitivities. We -- you know, we in Congress come across this.

A Gotcha.

Q It's not that we are seeking to get the particular instructions. We just want to make sure there wasn't interference, obstruction.

A No, no.

Q If there was a problem with that, we just need to know and hear about it.

A Yeah. No, there was no --

Q Did you -- were you interviewed -- with regard to prior ARBs that were established during your time, were you interviewed by any of those Accountability Review Boards? Not -- other than Benghazi?

A I'm kind of at a loss how to answer that. Accountability Review Boards would meet, and then every -- for example, if it was an incident involving DEA agents, DEA would be the lead, they would brief the incident and what happened, based on their investigation, the ARB would take in all that information. I would be there, perhaps, representing DS and, again, explaining post policies, the Ambassador's guidance, and the RSO's guidance, and security in general for that

particular country.

So I was part of the ARB review process, but I was not, per se, interviewed, I was providing information. But as far as being interviewed like I was for the Benghazi ARB, no, that was the first time.

Q Okay. And you had indicated, to the best of your recollection, then, understanding it's been, I think, over 3 years now --

A Yes.

Q -- that you had appeared before the panel at an early time with some of your colleagues?

A Correct.

Q And in that group setting, you were providing an overview of your understanding at the time as to what had happened?

A The best information we had at that point in time, yes.

Q And then you also believe that you had been interviewed at least on one other occasion?

A Individually.

Q Right. So you had both the opportunity to speak with them in a group and in an individual setting. Is that accurate?

A Yes.

Q And was there anything you, at any point in time, felt you could not tell them?

A No, no.

BY MR. KENNY:

Q I think at this point, I'd like to shift gears a little bit.

A Okay.

Q We have a limited time with you for today, and we want to be as targeted and as focused as possible on the questions. So I'd like to fast forward -- or, I guess, rewind --

A Okay.

Q -- the tape and return to the summer of 2012. And there's been a lot of discussion about a July 9 cable that the embassy in Tripoli had submitted to post for -- I'm sorry -- to DS headquarters and the response by DS headquarters. I'd actually like to back up a little bit prior to that and focus in the late spring, early summertime frame, focus on some of the security incidents that were beginning to percolate in Benghazi.

Do you recall that there were a series of security incidents, there was targeting western interests in Benghazi in the late spring, early summer of 2012?

A Yes.

Q And do you recall what, if any, steps DS headquarters was taking in order to address or resolve any concerns associated with those?

A We were providing support for any requests that post was -- because post is on the ground, and through the Emergency Action Committee, every time there is an event, they review the event and then they will decide what security enhancements need to be at post, whether it's a change in their travel policy, whether they need additional

physical security upgrades, and then they will send a cable back into headquarters and into main State requesting the things that they need, and/or they will review whether or not a tripwire has been -- been crossed.

And then through that mechanism, my office and the physical security folks would provide the resources needed to give post to implement what they had requested.

[2:15 p.m.]

BY MR. KENNY:

Q I see. So the way the system would work is, if there was a concern or an incident, post would convene a meeting called the Emergency Action Committee meeting --

A Right.

Q -- and out of that meeting -- or, during that meeting, there would be perhaps recommendations related to security policies, posture, that sort of thing.

A Right.

Q Okay. And that information would go to DS headquarters.

A Correct.

Q Okay. Okay.

A And to the Department.

Q Okay. And who would participate in the EAC?

A They're usually chaired by the deputy chief of mission. Sometimes they're chaired and/or attended by the Ambassador. And then the core members, at a minimum, the core members of your post security envelope and intelligence if they are present.

Q Okay. And, you know, we've heard the term "on the ground" to refer to those closest to the action, those people at post. So would the EAC, then, be the perspective of those personnel on the ground --

A Yes.

Q -- so to speak?

A Yes.

Q Okay. And those people would be perhaps best situated to understand or appreciate events that were developing in the country. Is that correct?

A Exactly.

Q Okay. And that's -- okay.

So would those views or recommendations that come out of an EAC, is that something DS headquarters would give weight to?

A Oh, absolutely.

Q Okay.

And, again, we talked a little bit before about some of the give and take between post and DS headquarters. So if an EAC made a particular recommendation, would that be the beginning of a conversation about security resources? Or would that be a decision point, then, for DS headquarters to then decide whether to fulfill a particular request, if a request was being made of DS headquarters?

A Well, when a request would come in, that would be the beginning of generating the conversation to how we can best fulfill the need that you've identified.

So if they come in with the EAC cable and say, you know, we realize that we have multiple blind spots in our camera coverage, okay, then that would immediately get shifted over to physical security. They would identify the correct technical personnel to send to post. And

post would set up a time, receive them, support the team, and then they would move forward with resolving that problem.

If they felt that the guards needed more training, we would reach out to the Mobile Security Division and we would get a training team stood up, and we would get them to post as quick as we could.

For example, when [redacted] was the RSO that came into Benghazi after [redacted], he was on the ground about 2 weeks and he requested -- he felt that he needed, I believe, about 20 more additional static local guards for the compound. And we said, you know, absolutely, let us send a team out there, and, you know, we'll approve it, and let us help you interview, hire, and train these people. And we would, from Washington, provide those resources.

Q Okay. If there was a request in an EAC for additional security personnel, how would that discussion proceed?

A Okay. Now, can you be specific on which security personnel?

Q So I mean broadly, but we can drill down and --

A But are we talking a local hired guard? Are we talking a DS agent?

Q I'm talking U.S. -- a direct hire.

A A Diplomatic Security direct hire.

Q Correct.

A Okay. A direct hire position, if it's a permanent need -- if it's a TDY request that comes in, we just automatically fill it and send them back out to post. If it's a permanent position,

there's an entire process that that has to go through because of the long funding tail that goes with that.

Q Okay.

A And that process takes about a year to establish.

Q Okay. And was Embassy Tripoli in the process of establishing --

A Yes.

Q -- such a process?

A Yes.

Q Okay. But, again, you described it takes a little bit of time. There's a lead time or a lag time --

A Correct.

Q -- to respond. Okay.

And you mentioned TDY staffing, and I thought I heard you say that those requests would be automatically filled. Can you just elaborate for us on that?

A If a country's having -- again, we'll go back to elections and they need a TDY, or, you know, they'll come in and advise us when elections are, and then we ramp up, have the folks identified and send them to post. So they're generally short, time-specific incidents that they need -- I mean, TDY personnel are meant to be temporary duty assignments.

Q Right.

A They're not meant to be a permanent fix or a full-time position.

Q Right. Okay.

So, at this point, we'll go ahead and mark exhibit No. 5.

[Lamb Exhibit No. 5

Was marked for identification.]

BY MR. KENNY:

Q And I'll provide it to you, give you a moment to read that.

And just for the record, I'll note that this is an email. It's dated June 11, 2012, from Scott Bultrowicz to you and cc'ing Eric Boswell and [redacted]. The subject is "Re: British motorcade attacked in Benghazi," close quote. The document number is C05388866.

A Okay.

Q Okay. So the email thread begins with a report on the June 11 attack on the British Ambassador to Benghazi.

Later in the thread -- and I'm on the first page here, third email down -- Scott Bultrowicz wrote to you, Eric Boswell, and [redacted], quote, "Charlene, this along with last week's incident is troubling. What is post's current movement operations?" close quote.

And you replied, quote, "They're locked down now for the next 2 days. I have [redacted] pulling up Tripoli's tripwires, and we're going to apply them to Benghazi just by highlighting in yellow the ones that they have already crossed. I've also asked [redacted] to reach out to RSO [redacted] and strongly suggest that Post Tripoli hold an EAC to discuss what's going on in Benghazi and determine what, if any, security measures they need to be enhancing, update their travel policy, et cetera," close quote.

And the first sentence here, where you indicate that post is locked down for the next 2 days, do you recall where that information came from? Was that something the RSO in Benghazi would have reported back?

A I received the information from my desk officers. So, I mean, Scott sends me this request, and I contact the desk officer, "Okay, tell me immediately what they are currently doing." And I don't know whether my desk officers called directly to the RSO in Benghazi. My guess is they did. But they could have also gone through the RSO in Tripoli to get that same answer.

Q Okay.

A So you would have to defer to them.

Q And, at least in this first part, there appears to be some concern on your part about the security incidents --

A Yes.

Q -- that were occurring in Benghazi. Is that correct?

A Yes.

Q Okay.

A Correct.

Q And there's a mention here to the EAC. We just discussed the EAC --

A Correct.

Q -- process. But there's also a reference to tripwires and your belief that certain tripwires had already been crossed. Can you explain for us the significance of crossing or breaching a tripwire?

A Tripwires are a series of events that are strong indicators when it's time to draw down the size of our footprint and even, worst-case scenario, when is it time to send everybody home and pull everybody out of the post. And this is the guidance that we use worldwide.

Q Okay. And this process may have changed in time, but, at this particular period of time, the tripwire was then the benchmark against which security would be weighed at a post, is that right, to determine if a drawdown was necessary or an evacuation was appropriate?

A Generally, post will have anywhere from 8 to 15 tripwires to cross. Certainly, anti-American sentiment is one of the big ones, and frequent events of targeting of Westerners in a country. But it could also be things such as civil strife, inability to get water and food locally. So there is a number of things that affect the quality of life at post and the ability for us to sustain a mission. If we can't get out to get food and water and electricity, maybe no one's targeting us but we can't survive in a bubble.

So the tripwires are varied, but, from the security standpoint, these are the most important ones. When we start seeing folks being attacked just because they're Westerners, that's a red flag.

Q Okay.

And just so we can better understand, at this point in time, when a tripwire would be crossed or broached, was that binary in the sense that when a tripwire was crossed it would automatically lead to what you described, a drawdown or an evacuation?

A It was our job to help post identify the tripwires that have been crossed and to forward that information up and make sure that Assistant Secretary Boswell was aware and that the bureau was aware that these were being crossed.

Q And I'll note the email above -- or, actually, in this chain, Eric Boswell is cc'd.

A Yes. He was looped in.

Q Okay. So he had an awareness of these security incidents, as well.

A Absolutely. Absolutely.

Q Okay.

And, again, there's a reference to the EAC here. And do you recall why you asked Embassy Tripoli to hold an EAC?

A Just because I felt this was so important, that even though they were in Tripoli and, you know, at the time, they may or may not have had any political officers in Benghazi, it may have just been the security people there, and I just wanted to make sure that they were focused on the fact that this is relevant to our operation and could affect us and that they needed to focus on it.

Q Okay. And do you recall if post here, Embassy Tripoli, did, in fact, hold an EAC?

A I believe they did. Without seeing the cable, I couldn't verify it, but I'm sure they did.

Q Okay. And would they have considered tripwires in the course of that EAC?

A Uh-huh.

Q Okay.

A They should have.

Q Do you recall what that particular EAC may have recommended in terms of --

A There should be a cable to reference, but I don't have access to that.

Q Okay. And do you recall what DS headquarters' response was to any cable?

A Without seeing the cable, I don't know what the -- I mean, I was looking at EAC cables from all over the world. So I don't have them all at my fingertips.

Q Okay. That's fine. And maybe we'll revisit that --

A But that's the protocol.

Q Sure.

Mr. Kenny. Did you have something?

Ms. Sawyer. Without getting into specific measures that might have been recommended, do you have a recollection that coming out of that EAC there was a recommendation to either draw down or have authorized departure or ordered departure from Benghazi?

Ms. Lamb. No, I do not recall. There was an EAC cable after the June timeframe, but I do not recall what their recommendations were at that time.

Ms. Sawyer. So you don't recall whether anyone ever did recommend to leave Benghazi?

Ms. Lamb. No. I would have to see the cable to know.

Mr. Kenny. If there had been such a recommendation, is that something that would stick out in your mind as unusual compared to EACs from other posts? You mentioned you've read a lot of EACs.

Ms. Lamb. No, I mean, in the course of 6 years, I mean, I think we were upwards of 20 evacuations, either drawdowns, partial, or full evacuations. So it was not uncommon to get a request from post to draw down, to temporarily close, or to, you know, completely close an embassy for various reasons.

Mr. Kenny. Okay.

Ms. Sawyer. And you indicated that recommendations -- and I would presume with regard to a recommendation to draw down, authorized departure, or ordered departure -- you indicated that recommendations would be taken seriously. I assume that type of recommendation would have been taken quite seriously.

Ms. Lamb. Oh, absolutely. If a post came in and, you know, said, hey, it's time we shut the doors, that would have immediately been addressed. Yes.

Ms. Sawyer. And so that would have triggered certainly a discussion --

Ms. Lamb. Correct.

Ms. Sawyer. -- within the DS bureau and wherever else it would need to go.

Ms. Lamb. Correct.

BY MR. KENNY:

Q Returning to the email, I'm going to skip the next sentence, and I'll just continue reading that paragraph.

You wrote, quote, "This is very concerning when you start putting the events together. The recent big demonstration that was openly anti-American, the attack on our compound, and now this U.K. motorcade attack. If the tide is turning and they are now looking for Americans and Westerners to attack, that is a game changer. We are not staffed or resourced adequately to protect our people in that type of environment. We are a soft target against the resources available to the bad guys there. Not to mention, there's no continuity because we do everything there with TDY personnel. The cost to continue to do business there may become challenging."

And, again, you appear here for be expressing some very serious --

A Concerns.

Q -- concerns.

A I was.

Q Okay.

You used some specific language in there, so I'd just like to ask for your understanding of what you may have meant.

At the end, when you refer to the cost of doing business there, what was it that you were referring to?

A Keeping people safe was going to be more challenging under those circumstances.

Q And had the costs reached a certain threshold where the ability of DS to effectively protect American personnel may have been

crossed, is DS empowered, itself, to make a recommendation on whether to draw down or evacuate a post?

A The RSO in Benghazi certainly could have picked up the phone and called the RSO in Tripoli and said, we don't feel safe out here, and we don't have the resources. Or they could have identified a specific weakness that they felt could be addressed with additional resources and asked for that.

But the conduit for the DS personnel in Benghazi was to go back to [redacted] or [redacted], who followed on, to provide them their assessment of what needed to be done and/or what their personal recommendations were.

Q And, to the best of your recollection, neither RSO in Tripoli had made that recommendation to draw down or evacuate the special mission in Benghazi. Is that correct?

A No DS agent made a recommendation to draw down that I am aware of.

Q Okay.

And, again, your language here is fairly clear to us as we read it here today. Were you suggesting that Benghazi had, in fact, reached that point, it had crossed that point?

A I was concerned that we were rapidly approaching it. And our job is to stay ahead of the bad guys, and it's a full-time job. And as they become more aggressive in their tactics, we have to be more aggressive in our protective measures to prevent attacks, whether it be through physical security or more enhanced motorcades and movement

security.

And because this was such a small outpost, it was concerning that we weren't gaining the same momentum on security enhancements that the bad guys were gaining in their aggressiveness.

Q Okay.

BY MS. SAWYER:

Q And, certainly, you indicated one way that concerns could be conveyed would be by picking up the phone. It also --

A Correct.

Q -- appears from this email that you're writing that another mechanism that you are, it says, strongly suggesting is to convene the Emergency Action --

A Emergency Action Committee.

Q Okay.

A And this brings all the key people and agencies represented at post to the same table to discuss it. And, you know, at the headquarters level, we defer to these folks on the ground. We trust them. They're smart. They eat, sleep, and breathe the issues of the day in the countries they're sent to.

So the best thing we can ask, if we're concerned back here from Washington -- and I'll be the first to admit, sometimes Washington gets more concerned than they need to be. Sometimes CNN inflates things and folks get exited in Washington when it's not really the scenario on the ground. But we don't know that.

And so, by asking them to convene the EAC, that ensured myself

and Scott Bultrowicz and Mr. Boswell that we got all the smartest people with have in country around the table to focus on these incidents by having an EAC. And then we have to trust the recommendations that they make back.

Q [redacted]?

A Every agency at post under chief-of-mission authority would participate in the meetings.

BY MR. KENNY:

Q And the concerns that you described for us today, if you move up in the email chain, it does appear that Scott Bultrowicz, your immediate supervisor, the PDAS, also shared those concerns.

A Exactly.

Q Is that correct?

A Exactly.

Q And he'd actually suggested that it would be useful to get the perspective from those in Tripoli and Benghazi. Is that right?

A Right.

Q And that's for the same reasons you just described?

A Exactly.

Q Okay.

Okay. So, moving on, this will be exhibit No. 6.

[Lamb Exhibit No. 6

Was marked for identification.]

Mr. Kenny. And this is an email dated June 15, 2012, from [redacted] to [redacted] and others. The subject is "Re: Staffing." The document number is C05388987. And I'll just give you a moment to review this email.

We'd also like to welcome Chairman Gowdy.

BY MR. KENNY:

Q And, Ms. Lamb, just for your benefit, I provided this for a little background. We'll note for the record that your name doesn't appear in this email chain.

A Okay. All right.

Q Okay. So I'd like to just quickly begin at the first email in the thread, which is an email from [redacted] to [redacted], [redacted], and [redacted], subject, "Staffing."

Who is [redacted]?

A He would have been one of the TDY DS agents, I believe.

Q Okay.

And I'll just read a few portions of this email and the subsequent thread into the record.

The email under the summary section reads, quote, "Due to the uncertainty of the security environment preceding the upcoming elections, RSO Benghazi recommends a minimum of five agents be deployed at post, with an MSD team on standby," close quote.

A little bit farther down, there's a section called "Details," which reads, quote, "U.S. Mission Benghazi convened an informal EAC meeting which included RSO, PO, and acting MGMT officer. The committee agreed that the RSO office should be staffed by a minimum of four agents to properly support the mission given the heightened threat level. Four agents can adequately support the mission and should be the core/minimum in order to maintain effective security in an unpredictable environment. Recent attacks have intensified in frequency with the active targeting of diplomatic personnel (e.g., the IED attack on the U.S. compound, the complex attack on the U.K. motorcade, and a recent rally by heavily armed Islamists and militia members)," close quote.

[redacted] then appears to respond, or forward, rather, the email to [redacted], asking for his input.

[redacted] -- and now we're on the first page -- replies, "[redacted], yes, I concur with this recommendation. I just had a lengthy meeting with DCM [redacted], who is scheduled to depart tomorrow, and we are both concerned about the ongoing incidents, particularly in the east. These incidents unfortunately track with what we anticipated, both in pre-election violence as well as the increase in extremist activity as they attempt to consolidate their power base in the area. I fear that we have passed a threshold where we will still see more targeting, attacks, and incidents involving Western targets," close quote.

And, again, I'll just note that you're not in this particular

email chain. But from the first portion of what I read to you, it sounds like the special mission did conduct what they described as an informal EAC. Is that correct?

A Uh-huh.

Q Okay. And do you recall that they had held that EAC?

A Well, this, as you said, informal EAC, this was at Benghazi. The prior document we were looking at was asking Tripoli post, senior post management, to look at the entire big picture of everything. So --

Q Okay. By senior management, you would mean the deputy chief of mission, for instance?

A Correct.

Q Okay.

A And if Benghazi held an EAC and had recommendations or needed resources, that would be filed back through Tripoli for post management and the Ambassador/DCM's approval and concurrence that they agree with it. And then it would come forward back to Washington if they needed more --

Q Okay.

A -- resources.

Q So when [redacted] writes here that he concurs in the recommendation --

A Right.

Q -- in your view, that was inadequate because --

A No.

Q -- chief of mission hadn't passed on --

A No. He was asking for TDY support for elections. We do that all over the world. That's standard. I mean, he put in here also his growing concern because of all these events, but the temporary need for additional support during the elections, the standby MSD team, that's standard. And that's stuff that the guys can do on their own. And they just -- you know, they would come up and say, hey, we've got elections, RSO would like an MSD team on standby, can we do it? Absolutely, that's what they're for. So --

Q Who would be making those particular decisions?

A The desk office -- MSD deployments would come to me for my concurrence, and then it would go to Scott Bultrowicz was the final person who would authorize MSD deployments. But election support was routine.

Q But how about -- let's set aside the MSD. But if we're just talking about high-threat-trained DS agents, if there was a recommendation for an increase in the number of TDY DS agents, who would make that decision?

A That would need to come through host, because if they're asking to -- this is where it becomes very difficult because post has to support them, feed them, give them a bed. So if they only had three beds, post management now has to find additional beds. So whenever they're asking to increase the numbers for an indefinite period of time, even though it's a TDY slot, that concurrence needs to come from post. So everybody needs to --

Q And when you say "post," to be clear --

A It would be Tripoli.

Q When you say "post," it's Tripoli, but --

A Right.

Q -- here, for instance, we see an email from the RSO. There's a reference to the DCM, who appears to also endorse or support the recommendation.

A Uh-huh.

Q But, in your view, the proper mechanism for making the request is a formal EAC process.

A Not -- it doesn't have to be an EAC process. But it should come in the form of a front channel cable if they're asking to increase their numbers for a long period of time. If it's temporary support for a short-term incident, you know, we turn those around very, very quickly.

Q Okay.

We'll go ahead and enter -- this will be exhibit 7.

[Lamb Exhibit No. 7

Was marked for identification.]

Ms. Sawyer. Yes. And just to be clear, this does reference an informal meeting in Benghazi. And that then doesn't mean that there wasn't also, in addition, a Tripoli EAC.

Ms. Lamb. Correct.

Ms. Sawyer. They wouldn't be exclusive mechanisms. It might be that it was both considered in Benghazi, passed on to Tripoli, also

considered in Tripoli?

Ms. Lamb. Right. And, you know, ideally, this informal summary of their EAC meeting should have been incorporated into the cable that came out of -- when I was an RSO at a post that had several constituent posts, if we held an EAC at the embassy, we would ask our consulates to hold an EAC at the same time, and then they would send their input up to the Ambassador for concurrence, to make sure everybody was in agreement with the state of affairs.

Mr. Kenny. So, in this particular instance, you were looking for the chief of mission's concurrence in the RSO's recommendation?

Ms. Lamb. I don't recall having seen this, these sets of documents, so, you know --

Mr. Kenny. Okay.

BY MS. SAWYER:

Q So, certainly, this just displays the dynamic that you've been explaining to us --

A Right.

Q -- that there is a conversation that occurs --

A Constant dialogue.

Q -- and this conversation and dialogue is occurring certainly between --

A Right.

Q Some folks at the ground, it looks like, they're at least informing and looping in.

A Right.

Q The junior desk officer; it looks like the senior desk officer.

A Right.

Q And that would not be atypical.

A No, that was common. And for elections, they would routinely -- the desk officers would provide whatever TDYs were needed to our folks on the ground.

BY MR. KENNY:

Q So you'd mentioned that the DCM would chair an EAC in the typical process. Was that because certain responsibilities fell to the DCM?

A That's just how the system is set up.

Q And we'll just point out, in the first email here, there is a reference to "DCM [redacted], who is scheduled to depart tomorrow."

A Uh-huh.

Q So did you have any concerns -- or would you have had any concerns, in looking back in this process, that waiting for a chief of mission concurrence if a deputy chief of mission is leaving base, that that might slow the process?

A But we weren't waiting for -- I'm not sure what you're referring to.

Q Okay. No, that's fair.

We'll go ahead and just move forward to exhibit 7.

A Okay.

Q And I'll give you a moment to review that.

And I'll just note for the record this is a document entitled "Action Memo for DAS Charlene Lamb -- DS/IP." The date is June 15, 2012. The subject is, quote, "TDY Staffing Support for Benghazi, Libya," close quote. The document number is C05578316.

And we'll just begin -- on the second page, at the bottom, there's a "Drafted" line. You see "[redacted]" there?

A Uh-huh.

Q There's a "Cleared" line, "RSO -- [redacted]."

A Uh-huh.

Q When you see a parentheses, "ok" in parentheses, what does that signify?

A That means that [redacted] has read this memo and he's cleared on it as it's written.

Q Okay.

A So it tells me that the two of them did exactly what they were supposed to; they coordinated on this --

Q Okay.

A -- and they're both in agreement with the document.

Q And when a document like this would be put together, the drafter would create a clearance line and include the relevant offices that would need to clear before the memo goes up. Is that correct?

A Yes.

Q Okay. So here your desk officer, [redacted] included the RSO of Tripoli. Is that right?

A Correct.

Q Okay.

I'll just read from the beginning of the memo. It reads, quote, "Due to the uncertainty of the security situation in Benghazi and the fact that there appears to be an active terrorist cell in Benghazi, Libya, planning and implementing attack operations against Western interests, including the U.S. Mission in Benghazi, the RSO is requesting additional TDY staffing for Benghazi. DS TDY staffing for the mission is currently set at three personnel. The TDY RSO in Benghazi and RSO in Tripoli both recommend increasing that staffing to five through the election period currently scheduled for July 7, 2012, and to four after that," close quote.

Again, we've talked about some recognition of the security environment. Here it would appear that your desk officer, perhaps even [redacted], his supervisor, also share those concerns about the security environment. Is that correct?

A Correct.

Q Okay.

And there's a specific mention in here to an active terrorist cell. I'm not going to ask for specifics about that, but did you agree with that assessment at the time?

A I agreed that all the incidents that they documented were adequate concern to increase the staffing.

Q Okay.

And, again, there's reference here to the TDY RSO in Benghazi and the RSO in Tripoli making a recommendation for increased staffing.

Does that appear to be the recommendations we just read in exhibit 6?

A It does. It appears to match with that.

Q Okay.

And then the memo contains a recommendation under the "Recommendation" line that "DS/IP authorizes additional TDY security personnel as requested by the RSO for Benghazi," close quote.

A Uh-huh.

Q This version of the document doesn't have a signature. We haven't seen a signed copy of this. Do you know -- first, do you recall receiving this memo?

A Yes, I believe I did. And I believe this was cleared.

Q You believe this was cleared.

A Uh-huh.

Q Okay. And if it was cleared, there should be a signed copy somewhere. Is that correct?

A Should be, yes.

Q Okay. And, further, if it was cleared, the drafter of this would be informed that it was cleared. Is that correct?

A Yes.

Q Okay.

So it's our understanding -- and, again, this is based on previous testimony that the committee's received from [redacted], some others -- that this memo itself was never approved. So how would you respond to that allegation?

A I don't know. They would have to go back through the

staffing records and look at the support that was provided during the elections. But we have never -- I have never denied support leading up to elections and especially in the event of additional incidents at post. So this would not have been denied. There would be no reason to deny this.

Q Okay. Is there another status that the document could have taken? For instance, it could be approved, it could be denied. Is there any in between those two?

A No. I mean, they either got what they asked for and there were people on the ground and it came out of the budget or nobody showed up.

Q Okay. And if you disapproved this, you would have signed a disapproval copy and sent that back. Is that correct?

A Correct.

Q Okay. And if the desk officer or somebody who drafted the document were to tell us that this specific request was never granted, do you have any reason not to believe their statements?

A We are, again, 3 years out, and I'm a year-and-a-half retired. I don't recall the details of this. But if I were an RSO at post or an ambassador at post and my post RSO sent in a request for TDY support prior to an election and it wasn't anywhere in the pipeline to come to post, I would have been on the phone asking for it, "Where is it?", especially in this environment.

So I honestly believe that they were provided the support that was requested in this memo. But I can't --

Q But you just don't recall the specifics.

A I do not recall the specifics, no.

BY MS. SAWYER:

Q So just to note for the record, the date of this document is June 15, 2012. It's kind of the same date as the earlier dialogue.

A Uh-huh.

Q So just so that I understand it, my understanding of what you're saying is that -- and understanding that we're 3 years out -- you certainly don't have a recollection of denying this request or having someone raise with you a specific complaint that you had denied the request?

A No.

Q And you had indicated earlier, you know, that issues are -- you know, there's back and forth and there's dialogue and there's an effort to match resources with need that occurs at the ground level, at the junior desk level, senior desk level, and whatever level it can be resolved; that is all the further it need go. Is that just an accurate characterization?

A Yeah, I -- basically. I mean, they have to -- you know, we discussed the process for getting additional TDY people to post. It's got to be in a memo. The memo comes up, it gets cleared up at a senior management level, the request goes out, people volunteer to go. So that happened.

I do recall, though, we had MSD -- I am certain that we had an MSD team doing training out there at the time of the elections. And

they were given guidance to stop training temporarily, to roll into supporting the RSO with any additional needs for security for the elections that the RSO needed. And --

Mr. Kenny. To be clear, this is in Tripoli?

Ms. Lamb. This is in Tripoli, but these are resources that the RSO can send anywhere in country under his authority. So he could use them however he felt best needed. Were they needed in Tripoli? Were they needed in Benghazi? You know, if they didn't have a responsibility to continue training, he could do whatever he needed them to do during that period.

BY MS. SAWYER:

Q And, certainly, if you felt it had been resolved at your level and that the needs, as requested, had been met, there wouldn't be a need for you to then elevate it to your supervisors, would there have been?

A No. If we weren't able to provide the support because we didn't have been the resources, I would elevate it. But, believing it was taken care of, I would not have necessarily elevated it.

Q So, certainly, if you felt there was a point in time where you had an awareness that there was a need -- and, certainly, this does reflect your concern about the environment -- that was putting people on the ground in danger that was not met, there were mechanisms for you to elevate that to your supervisors --

A Uh-huh.

Q -- including up to the level of the Under Secretary of

Management?

A Uh-huh. I mean, I had a chain of command that I would go up, yes.

Q And, again, you know, was there a point in time, either with regard to this request or another request specific to Benghazi, where you felt the need, because you simply felt that you could not get them the resources they needed and had asked for and you were having to deny them, where you elevated that and it was -- do you recall an instance where that happened?

A No. I think the closest we got was when I was running out of money -- and we discussed that earlier -- because of the CR and the limited funding for these TDY positions. And, you know, once it was elevated, it was resolved and money became available to support it. But that was the only time that I can recall that our hands were tied in providing resources.

Q And so, just in a generalized sense, just to understand the dynamic, with regard to requests would come up to you, there would be back-and-forth, certainly you don't recall having a feeling that you had been presented with a request that you had concretely denied --

A No.

Q -- that people were still upset about --

A No. No.

Q -- where people brought to your attention that you had been denying requests and that you needed to change your mind or someone else above you needed to change your mind?

A No.

Q And so you were never in a position where you felt like you needed to, because someone had brought to your attention that you had made a specific denial that needed to be reversed, that you needed to then go to any of your superiors, up to and including the Under Secretary?

A No.

Q Okay.

Ms. Sawyer. Did you have more before we -- I think we're up against our time.

Mr. Kenny. With that, we're out of time. We'll go ahead and conclude, and we'll go off the record.

[Recess.]

[3:17 p.m.]

Chairman Gowdy. We're back on the record.

Ms. Lamb, thank you for being here. I apologize for not being here this morning. As you probably can imagine, all the members have different committees and different commitments, but it's not a reflection of the lack of importance of the issue or you. So I apologize for not being here for more of it.

I want to go over with you, if I can -- and to the extent this may have been already done, then just bear with me, and I'd rather do it twice than not do it at all.

Ms. Lamb. No problem.

Chairman Gowdy. There is an email from you to Scott Bultrowicz, and it is dated June 11, 2012.

Ms. Lamb. Okay.

Chairman Gowdy. I think you have that in front of you. Do you?

Ms. Lamb. Yes.

Chairman Gowdy. All right. And the salutation, for want of a better word, is "Latest on Benghazi."

Ms. Lamb. Yes.

Chairman Gowdy. And what prompted you to generate that email?

Ms. Lamb. One second. Let me look at the same email you're looking at. Okay.

Ms. Sachsman Grooms. That's exhibit 5?

Ms. Lamb. That's exhibit 5.

Chairman Gowdy. Okay.

Ms. Lamb. And this email was following, I believe, the attack on the British motorcade.

Chairman Gowdy. Right. All I have is one page, and what you have is more than one page, so you may have more information than I do.

Someone notified you of an incident, and then this was your response? Is that right?

Ms. Lamb. The incident came into Diplomatic Security as a spot report.

Chairman Gowdy. Okay.

Ms. Lamb. And then it was -- when the spot reports come in, it's immediately a trigger that -- anytime the Brits are attacked, it's a red flag for us. We automatically assume that Americans could be next or there could have been a mistaken identity issue of some sort. But it definitely shows a more aggressive pattern in brazenness in the bad guys, wherever these attacks occur.

Chairman Gowdy. All right.

Ms. Lamb. So, in the totality of the events that we were seeing, this was a significant cause for concern.

Chairman Gowdy. I can tell that, from the rest of the email. But we're going to go through it sentence by sentence, okay?

Ms. Lamb. Okay.

Chairman Gowdy. "They're locked down now for the next two days."

Ms. Lamb. Correct.

Chairman Gowdy. What did you mean by that?

Ms. Lamb. When this came in, Scott Bultrowicz had actually sent me the email, and he wanted to know what was Benghazi doing right now in response to this event. And the answer to that was the RSO on the ground in Benghazi had locked down the compound, meaning nobody was coming in and nobody was going out.

Chairman Gowdy. "I have [redacted] pulling up Tripoli's tripwires and we're going to apply them to Benghazi."

Who is [redacted]?

Ms. Lamb. [redacted] was the senior desk officer for NEA for Diplomatic Security.

Chairman Gowdy. And what were the tripwires for Tripoli?

Ms. Lamb. Without seeing them, I would have to -- I don't want to be misleading, but they were things as in attacks on Westeners, anti-American sentiment, terrorist attacks, infrastructure deterioration within the --

[Discussion off the record.]

Chairman Gowdy. We have to vote, so I'll go quick, and then I'll come back.

Ms. Lamb. Okay.

Chairman Gowdy. And how many tripwires -- is there a consequence for the tripping of a tripwire? Is there a corresponding response if a certain number of tripwires are implicated? Does that trigger, for want of a better word, a certain response?

Ms. Lamb. The purpose of the tripwires are for the post Emergency Action Committee on the ground to each have this checklist in front of them with the tripwires, and they are to go through them and be in agreement, "Did we trip that tripwire?" And it's to be used as a gauge, is it time to draw down personnel? Is it time to ask for an authorized departure from post? Should we suspend operations at post? Should we close post?

Chairman Gowdy. And is that analysis done in writing? Is it done by a group?

Ms. Lamb. The Emergency Action Committee at post. And that committee is generally led by the deputy chief of mission.

Chairman Gowdy. Right.

Ms. Lamb. They will go through all the tripwires, and the committee will then make a recommendation to the Ambassador with what they find, how many tripwires have been crossed, and what their recommendations are, to either -- for example, by changing our post travel policy, we can mitigate the increased threat of travel outside the compound. So they may just choose to change the travel policy and believe that that's enough to solve the problem at hand.

Or they may look at it and say, we have just crossed four tripwires, and we need to think about drawing down to essential personnel only; we may need to ask for additional resources. And then it becomes a policy-level decision, what they do.

But that will then come back from post to Washington in the form of an emergency action cable, with post recommendation from the

committee with ambassadorial concurrence.

Chairman Gowdy. And I'm assuming our committee has that analysis?

Ms. Lamb. They should.

Chairman Gowdy. And how far back in time would you go to determine whether or not tripwires had been triggered? If an incident took place on July the 1st, is it appropriate to go back 60 days, 90 days?

Ms. Lamb. That's a tough question because it varies. If it appears that it's the same group of people doing the attacks, you want to go back as far as you can establish a pattern. Maybe there was one incident in January, maybe another one in May, and now we've just had five incidents, and they're becoming more violent, more brazen, and more complex.

Chairman Gowdy. But let me ask you this. What difference does it make if it's the same group if it's the same target?

Ms. Lamb. It would -- or the same target. I mean, it doesn't have to be the same group. But any trend, you should go back --

Chairman Gowdy. Like, escalating violence would be a trend.

Ms. Lamb. Absolutely.

Chairman Gowdy. Okay.

Ms. Lamb. Absolutely.

Chairman Gowdy. So you had tripwires for Tripoli, and you were going to apply them to Benghazi. And you believe that that analysis has been done in writing. And if it has been done in writing, you

believe that the State Department would have made that available to our committee.

Ms. Lamb. That's correct.

Chairman Gowdy. Okay.

Just by highlighting in yellow the ones that have already crossed, maybe you highlighted it -- did you highlight it in here and I just can't see it?

Ms. Lamb. No. We pulled the actual tripwires that were -- each post around the world is required to have, on any day, any post, they have to have a list of tripwires for their country. And those tripwires can evolve if situations change, but they have to have one in their emergency action plan.

So we pulled the one out of Tripoli, and my intent on having the desk officer pull that list and highlight the ones that have been crossed in yellow, I wanted to bring that to Mr. Bultrowicz's attention and Eric Boswell's attention, that the desk officers and my staff feel that post has already crossed those tripwires.

And then we were waiting for the response from that Emergency Action Committee to come in, and we wanted to see if what tripwires we felt were crossed, from quarterbacking over a table in Washington, were matching up with post assessment of the situation on the ground.

Chairman Gowdy. Which is what the middle part of that email would be. "I've also ask [redacted] to reach out to RSO [redacted] and strongly suggest that Tripoli hold an EAC to discuss what's going on in Benghazi."

Ms. Lamb. Exactly.

Chairman Gowdy. That's what you just described.

Ms. Lamb. Exactly.

Chairman Gowdy. All right.

"And determine what, if any, security measures they need to be enhancing, update their travel policy" -- all right.

"This is very concerning when you start putting the events together." What made you say that?

Ms. Lamb. When you look at the -- and I don't know where it is, but there's actually a list of events that had happened over the last few months. They were becoming more violent and more frequent. And, obviously, the attack on the British motorcade was a significant event.

Chairman Gowdy. "The recent big demonstration that was openly anti-American." What do you know about that, and who told you about it?

Ms. Lamb. It would have been reported from post in the form of a -- probably came in initially as a spot report. That's how most demonstrations get reported. And then sometimes there are followup cables and information provided.

I will be honest, I do not recall the details of that demonstration. At this particular time in IP, we were having demonstrations all over the Middle East.

Chairman Gowdy. But that demonstration would have been memorialized some way in writing, and it either is in the possession of the committee or -- should be in the possession of the committee.

Ms. Lamb. It should be.

Chairman Gowdy. Okay.

"The attack on our compound, and now this U.K. motorcade attack." What attack on our compound were you referring to?

Ms. Lamb. We had an incident where a hole was blown in the wall.

Chairman Gowdy. Would that trip a wire?

Ms. Lamb. Yes.

Chairman Gowdy. "If the tide is turning and they are looking for Americans and Westerners to attack, that is a game changer."

Did you think the tide was turning?

Ms. Lamb. From the sequence of events, that's what it appeared to be, yes.

Chairman Gowdy. And you thought that there was an increase in American or Western targets?

Ms. Lamb. Well, this was the first significant event of an attack on a Westerner --

Chairman Gowdy. Which one, the attack on our compound or the attack on the British --

Ms. Lamb. Well, the attack on the British Ambassador. I mean, attacks on walls on embassies -- it's hard to -- I mean, sometimes you get a disgruntled fired employee that will set something off up against the wall of a compound.

Chairman Gowdy. How big was the hole?

Ms. Lamb. I don't recall exactly. I believe it was about a 6-foot hole, but I'm not exactly sure. And this was not a fence that

was built to DS standards, so it was substandard construction. You know, if you put a device on my fence, it would blow the whole thing down here at home, so --

Chairman Gowdy. Did you have disgruntled employees?

Ms. Lamb. At one point --

Chairman Gowdy. Ex-employees?

Ms. Lamb. We had an incident prior to the hole in the wall where -- they call them gelatinos. They use them for fishing. They throw them in the water, and it stuns the fish, and then they pick them off the surface. But one of those was thrown up against the wall, did not do any damage. And, through the local guard contract company, we were able to ascertain that it was a disgruntled guard that had worked on our contract that had been let go. So that was that incident.

Chairman Gowdy. But that one didn't blow a 6-foot hole in the wall.

Ms. Lamb. No. No.

So the totality of these incidents was what was becoming concerning.

Chairman Gowdy. When you used the phrase "game changer," what does that mean? What game are you referencing?

Ms. Lamb. Security. And, you know, I go on to clarify it that, you know, we are not staffed or resourced -- this was an interim facility.

Chairman Gowdy. Right.

Ms. Lamb. And we had not brought it up to the standards of our

embassies.

Chairman Gowdy. Who is "we"?

Ms. Lamb. The Department -- the collective State Department.

Chairman Gowdy. Why not?

Ms. Lamb. Because it was an interim facility. It was not --

Chairman Gowdy. People who are in interim facilities need protection just as much as people who are in permanent facilities.

Ms. Lamb. They absolutely do. I could not agree with you more.

Chairman Gowdy. So who made the decision not to bring it up to standard?

Ms. Lamb. It wasn't -- no one made a decision not to bring it up to standard --

Chairman Gowdy. Who made the decision to use a facility that was substandard?

Ms. Lamb. We would never get into new countries to conduct foreign diplomacy if we had to wait for a standard facility to be built. So, based on the needs of foreign policy and the mission --

Chairman Gowdy. Was the post in Tripoli up to standard?

Ms. Lamb. No.

Chairman Gowdy. So both Tripoli and Benghazi were substandard.

Ms. Lamb. Correct.

Chairman Gowdy. And they both would have been, what, temporary mission facilities? They both would have had the same designation?

Ms. Lamb. No. Benghazi was the permanent site -- no, I'm sorry, excuse me. Tripoli was the new embassy. And because we had a mission

to conduct immediately, we identified a property that we felt was going to be suitable that could be upgraded and brought up to standards.

If we waited for OBO to go in and build a new mission, it could be 3, 4, 5 years before we ever went back into Tripoli. So --

Chairman Gowdy. How many other temporary mission facilities would we have at any given point? Or just -- I won't say a given point. How about September 2012? How many other temporary mission facilities did we have?

Ms. Lamb. I didn't deal with facilities, and I didn't keep those records or information.

Chairman Gowdy. Were there any standards to be applied to temporary mission facilities?

Ms. Lamb. There were no written -- in DS, we did the very best we could to provide the same layers of security that we would at a permanent facility, but they were just -- they were permanent measures. They were not the same as what you would find if you were doing a new-construction facility.

Chairman Gowdy. All right. I interrupted you. You were explaining to me what "game changer" meant.

Ms. Lamb. What I meant was that our temporary security measures that were in place were not going to be enough. As the bad guys become more aggressive, DS has to become more proactive, and we have to stay one step ahead of them to keep everyone protected. And --

Chairman Gowdy. Like a request for personnel or equipment.

Ms. Lamb. Right.

Chairman Gowdy. Like a request for a machine gun.

Ms. Lamb. Exactly.

Chairman Gowdy. All right. Was there a request for a machine gun?

Ms. Lamb. I don't recall.

Chairman Gowdy. Would that request have come to you, or would it have gone to someone else?

Ms. Lamb. It would have eventually crossed my desk.

Chairman Gowdy. You don't recall anyone in Tripoli or Benghazi asking for a machine gun?

Ms. Lamb. I do not at this point, no.

Chairman Gowdy. All right. I've got to go vote. I'm going to turn it over, and then I'll be back, okay?

Ms. Lamb. Okay.

Ms. Betz. Ms. Lamb, I'd like to go back to exhibit 7, and I believe that is the June 15 memo that was never approved.

Mr. Snyder. I think we would just take issue with that.

Ms. Lamb. Yeah.

Mr. Snyder. She said she didn't know.

Ms. Betz. Oh, okay. I'm sorry.

Ms. Lamb. No. And all I'm saying is it may not have been approved in writing with my name on it, but I guarantee you post had every staffing position filled that they requested on election day in that country. I know they did. And, you know, staffing records are available. All the records were kept on all the TDY personnel that

came in and out, and it would just be a matter of pulling those records.

Ms. Betz. So, going back to exhibit 7, I want to focus on the first sentence and specifically the reference to -- the portion where it says, "TDY staffing for the mission is currently set at three personnel."

Was it always set at three personnel for Benghazi?

Ms. Lamb. It fluctuated. When I started in Benghazi, there were --

Ms. Betz. What was the approved level for DS agents in Benghazi? Are you aware of that?

Ms. Welcher. Could you clarify what point in time?

Ms. Betz. It is the December 27, 2011, extension memo.

Ms. Lamb. I don't recall.

Ms. Betz. Five doesn't ring a bell? Five DS agents?

Ms. Lamb. I can't guess without seeing documents where things were -- because post agreed to -- changes were not made without post request or concurrence. So whenever there was a staffing change, it was done with post concurrence.

Ms. Betz. So this will be, I guess, exhibit No. 8.

[Lamb Exhibit No. 8

Was marked for identification.]

BY MS. BETZ:

Q And while the witness is looking at the document, I'll go ahead and identify it. It's STATE-SCB0047413. It's dated December 27, 2011. It is an action memo for Under Secretary Kennedy

from NEA Jeff Feltman, and the subject is "Future of Operations in Benghazi, Libya."

And, specifically, I guess I would focus your attention to page 2 and the second full paragraph, last sentence.

A Okay.

Q And so, while your name is not on this document, it is cleared by DS, by a "[redacted], Acting." And do you know who "[redacted]" is?

A That would be [redacted].

Q And did he serve in an acting capacity at a certain point?

A He would have been acting to clear on this.

Q And are you aware of the memo?

A I did not see it until after the event in Benghazi.

Q Okay.

But turning to page 2 of the memo and paragraph 2 and the last sentence, it specifically says, "With the full complement of five Special Agents," and then it goes on to describe the rest of the U.S. direct hire employees, correct?

A Yes.

Q And this was a memo that was approved by Under Secretary Kennedy?

A I assume. He signed on the --

Q So he approved it at five TDY slots, correct?

A That's what this says, yes.

Q Okay.

[Lamb Exhibit No. 9

Was marked for identification.]

BY MS. BETZ:

Q And then I'm going to now show you exhibit No. 9.

And while the witness is looking at the document -- and I would just bring your attention to page 1, really, the summary and action request.

A Uh-huh.

Q But while the witness is looking at the document, I'll identify it: SCB0046265. And it is a cable dated March 28, 2012.

So this is a staffing request per your earlier description of the process of how staffing requests should be made from post, so Benghazi through Tripoli, Tripoli to D.C. And this request is asking for five TDY for Benghazi, correct? It says, "5 TDY DS agents for 45-60 day rotations in Benghazi."

A Okay.

Q Did they get five agents?

A Without looking at their staffing profile, I can't answer that.

Q But they were requesting five?

A Correct.

Q So post is requesting five. And, per your discussion, when post made a request to D.C., you made every -- and particularly if it was a TDY -- you made every attempt to make TDYs immediately available.

So I guess my question to you is, did you make five TDY DS agents

available to Benghazi?

A It is more complex. If they can't get a visa, I may only have two there and not five. If someone has a family emergency that's out there and has to leave, there may be four and not five.

Q Okay. But so here's my question: Under Secretary Kennedy approved five. Post is requesting five. And then you have a June 15 memo that is saying, if I go back to exhibit 7, I have a staffing request to go up to five, but it says that the TDY staffing for the mission is currently set at three.

So I'm wondering at what point was -- who approved a decline in the number of personnel in Benghazi?

A Okay.

Q Was it you? Just yes or no. Did you approve --

A No, this is not a yes-or-no question. I'm sorry.

Q Okay.

A I need to explain what's happening.

Q Okay.

A If you have an FTE, which is a full-time employee --

Q But this isn't FTE. This is TDY. Benghazi is TDY.

Ms. Sachsman Grooms. Why don't we let her answer the question.

Ms. Lamb. That is a staffing requirement --

Ms. Betz. Okay.

Ms. Lamb. -- okay?

When you have TDY personnel, they are sent to post for specific reasons to do specific things.

In Pat Kennedy's blanket approval to keep Benghazi operational, he talks about eight State Department employees being at Benghazi and space for two TDYers from different agencies to be available there, plus an LES program assistant. That is a staffed-up facility.

What happened -- so this was kind of the cap of what the bureau was asking Pat Kennedy to approve. What they're saying is, at the most, we're not going to exceed this staffing level in Benghazi. That's what this memo is saying to Pat Kennedy. So --

BY MS. BETZ:

Q So it's a cap?

A In essence. Now, I mean, it can --

Q So if there's a terrorist attack, are you saying that no more than five DS agents could be sent to Benghazi?

A No. No, no, no. What I'm saying is, if all things were equal and life went on normally as a normal post, Pat Kennedy assigning -- from a management perspective, he is willing to support this totality of staffing and fund it and support it, and he knows they're out there.

So, in essence, Jeffrey Feltman, who is in charge of the NEA bureau, can't, 3 months from now, we go out there and visit and there's 50 people living out there on the compound that are all State Department employees, that wasn't what Pat Kennedy agreed to. This is what Pat Kennedy agreed to.

In reality, what happened is nobody came. We had the IMO was there with our DS agents, and we had a political reporting officer TDY

that came and went but did not stay there on a regular basis. They were TDY. They were in, and they were out. And I believe the RSOs told me that DOD had a fluctuating presence, coming in and out for various reasons. But it never, ever reached a staffing of eight. And the two TDY billets that were potentially open for other facilities.

So, in a high-threat environment, five DS agents to, say, a staff of 10, which is what they were looking at and what Pat agreed to, that would not be unreasonable. But what happened is they never came. And here we are. We're staffing it with five people -- we are struggling to staff it with five people because of visa challenges and because we're staffing Iraq and Afghanistan and Sana'a with all these TDYers, and then the pool of high-threat people. We had a lot of challenges internally.

So, from a management perspective, I sit back and I look at it. And I talk to the RSO, how much is this post being used? How many people are living there? And it turns out I have one IMO and all my security people, and then I have basically TDYers that come and go on an irregular basis but never more than two at a time.

So then my next question is, well, what do five DS agents do all day long if there's no one else at post besides them and the IMO? Well, we do drills with the guards and with the host country, national security that are on the compound. And, you know, they certainly worked with the annex, they worked with their counterparts and the Brits. But they were not doing any sort of traditional work, and they were not even doing security movement unless there was a person there

at post to do it.

And then, you know, I found out that one of them was acting as a driver and one of them was guarding this piece of equipment 24/7. And so, you know, in an effort to save our manpower without reducing security, that DS agent that was watching that piece of equipment 24/7 was not providing other functions, security functions, at post. So if I could secure that piece of equipment adequately using countermeasures approval -- and they brought in a vault to put this thing in, and alarms -- then I could stop staffing a position that was watching a piece of equipment.

By hiring a driver, which -- we needed permanent drivers there anyway, because that is the safest thing to have in any foreign country, is a devoted, loyal driver. So Tripoli was already hiring drivers. I had an MSD team training drivers in Tripoli. So my next question to [redacted] was, hey, do you think we could hire a couple of local drivers and get them trained by MSD while they're in country and use them for drivers instead of DS?

[redacted] is who we're talking about here on all of these things. And when I raised those two issues with [redacted] -- now, [redacted] is removed physically from Benghazi. He's not seeing it day to day. And he is flooded with projects and things going on in Tripoli.

And when I mentioned these as alternatives to staffing, he looked at it, he discussed it at post, and he came back in writing and said, yes, if you can get us safes out here and alarms to secure the equipment and if we can get drivers trained and on the job that we trust, we can

do that.

And then it took time, and they were able to meet both of those requirements. And those were functions being filled by DS agents that did not have to be filled by DS agents.

Q Did you ever have meetings with NEA or DCM [redacted] expressing concern about their ability to do political reporting because of the lack of DS agents on the ground? Do you recall?

A To my recollection, that was never brought to my attention, that they couldn't do reporting because they didn't have enough DS agents.

Q You don't remember a February 16 meeting with Deputy Chief of Mission [redacted] when she was back in D.C.?

A I did meet with her when she was back. I don't recall any dates.

Q Okay. Did you discuss the security and reporting situation in Benghazi?

A We discussed drivers, and the need to hire local drivers I know was one of the things on our agenda. But I don't ever recall her saying that they were incapable of reporting because they couldn't move.

Q So, just to go back to exhibit No. 7, though --

A Okay.

Q -- where did the three -- the drop in three personnel, was that now the cap for Benghazi? And who made that decision?

A Post makes all staffing decisions.

Q But post is requesting five. We see it in the March 28 --

A Okay.

Q -- cable.

A That's March.

Q Correct.

A The December --

Q Well, and then the post --

A The June is --

Q And not to interrupt, but then post in the June 15 action memo for your approval -- so we saw it in exhibit 8, where -- was it 8? What is this?

Mr. Snyder. Seven. June 15.

Ms. Betz. No. I'm talking about the email. Do you recall what exhibit?

Mr. Snyder. This email?

Ms. Betz. Yes.

Ms. Welcher. Five.

Ms. Betz. Exhibit 5.

So, going back to exhibit 5, and on the third page --

Ms. Lamb. I only have two pages.

Ms. O'Brien. You must mean 6.

Ms. Betz. Six. Okay, 6. Third page, post is requesting five -- I'm looking at the summary. "Due to the uncertainty of the security environment preceding the upcoming elections, RSO Benghazi recommends a minimum of five agents be deployed at post, with an MSD

team on standby."

It seems to me that this paragraph, then, is mimicked in exhibit 7, the formal memo, which then says, "Due to the uncertainty of the security situation in Benghazi and the fact that there appears to be an active terrorist cell in Benghazi, Libya, planning and implementing the attack operations against Western interests, including the U.S. Mission in Benghazi, the RSO is requesting additional TDY staffing for Benghazi. Staffing for the mission is currently set at three personnel. TDY RSO in Benghazi and RSO in Tripoli both recommend increasing that staffing to five through the election period scheduled for July 7, 2012, and to four after that."

Did that ever occur?

Ms. Lamb. They received the staffing they requested for the elections, yes.

Ms. Betz. For the elections.

Ms. Lamb. Yes.

Ms. Jackson. And after the elections, did the staffing remain at four?

Ms. Lamb. I do not recall what happened to the staffing after the elections. But I know through the elections they had exactly what they had requested.

Ms. Jackson. So, from the date of that memo through the election, they had five agents in Benghazi at all times.

Ms. Lamb. Again, they were approved for five agents, but if an agent had a family crisis and left post, they may have drawn down to

four. And, again, [redacted] in Tripoli, if he felt it was absolutely crucial to keep five, could have sent someone from Tripoli to fulfill the five until we got a replacement in there.

I cannot tell you there were always five DS agents on the ground. Things would happen. Visas frequently got held up and detained people. So, you know, I'm not going to say 100 percent there were always five on the ground, but we did our very best to maintain that.

Ms. Betz. I'm going to show you what is exhibit -- 10? Eleven?

Ms. Jackson. I don't think we had 9.

Ms. Betz. Okay. This will be exhibit 9.

Ms. Jackson. Oh, no, I'm sorry. We had 11. Nine was the cable, so this is 10. This is 10.

Ms. Betz. Ten.

[Lamb Exhibit No. 10
Was marked for identification.]

Ms. Betz. And we'll give the witness an opportunity to read it, meanwhile.

Ms. Lamb. Can we go off the record a second?

Ms. Betz. Sure.

[Discussion off the record.]

Ms. Betz. So we're back on the record.

BY MS. BETZ:

Q And I'll identify the document. This is SCB0049439, and it is a cable dated July 9, 2012. And it's a staffing request, and, specifically, it's a request for extension of TDY security personnel.

Do you recall this cable?

A If you start reading it, I will -- oh, yes, I do recall this cable.

Q You do recall. Okay.

So, as we mentioned, I'm going to focus on paragraph 5, specifically the last sentence, which says, "Post anticipates supporting operations in Benghazi with at least one permanently assigned RSO employee from Tripoli; however, would request continuing TDY support to fill a minimum of three security positions in Benghazi."

So that would be four personnel, correct?

A Yes.

Q Do you recall ever sending a response to this staffing request?

A We were in absolute full agreement with this. And I do not recall if I would have cleared on a cable that was generated, but this was part of our suggestions to post when they were talking about looking at staffing.

Because part of our challenge in Benghazi was the 30-day rotations, the lack of continuity, and it also creates a lack of an ability to finish large-scale projects, because there's no one there who's been there longer than 30 days. So, by putting one of the permanent positions from Tripoli out there and then putting the TDYer there, it made more sense for continuity.

Q But do you recall, was a formal response --

A There should have been a response.

Q Do you recall testifying that a response got lost in the shuffle?

A We had a cable that -- and, yes, because there were two cables, 690 -- and there was. And, in your records, you should have the draft somewhere that was drafted. But, yes, it was --

Q But this cable was never formally responded to because it was lost in the shuffle.

A Yes, but --

Q Just "yes."

A -- it was written jointly between the RSO at post and the desk officer, the response cable. And I cleared it, and it went up to Scott Bultrowicz's office.

Q So, at that point, he became the decisionmaker?

A His special assistant apparently had a question and returned it. And, of course, this was all after the fact, trying to find out what happened to it. It never materialized. He didn't get the response.

But, nonetheless, everything in that draft cable -- which is part of the official records, and it's part of what got turned over to everybody -- everything in that response cable was fulfilled and was carried out.

Q So they had four agents at Benghazi at all times after that?

A Again, without extenuating circumstances, yes.

Q Going back to this staffing memo and the discussions around it, there was a lot of discussions regarding the SST and the MSD,

correct?

A Correct.

Q And were they sort of within your authority to deploy? Were you the decisionmaker as to where the SST and the MSD went?

A No, I was not the -- I made recommendations and would support the need for their services.

Q For example, when Benghazi didn't meet the requested five, could SST have been sent on a consistent basis to fill that five TDY slot?

A I --

Q Was it in your authority to send the SST to meet that five TDY requirement or level?

A No. Security assets at post, once we pushed them out and approved them to post, all the security assets there then belonged to the RSO and to the Ambassador, and they can put them where they want them.

Q So, when they were making recommendations to you to stay in Tripoli, would you have heeded their requests or recommendations to keep the SST and MSD?

A May I take just a few minutes to discuss the background and the difference between the MSD and the SST?

Q Sure.

A MSD belongs to DS and to the State Department. We have 10 teams -- at that time, we had 10 teams available for worldwide deployment. They would range -- a team, depending on their mission,

could be four to six individuals. The teams we were running through Libya were teams of six.

And so, if you have one deployment team of six and you're keeping them for a prolonged period of time, what happens is they are there for 30 to 45 days. Then when they leave post because they are in a high-stress, high-threat environment, they come back to Washington, they have a bit of downtime, and then they prepare for their next assignment.

So you have the team that just left is a team of six. You have the team that's currently on the ground, which is a team of six. And then you have the team that's getting ready to go in to replace the team that's already there. So, with one continuous, rotating need for MSD, you are tying up 18 MSD agents or 3 teams. We only had 10 to cover the world.

We had up to three MSD teams at a time in Tripoli. We had one doing training and two doing security missions. So, even at one point in the elections, we were tying up all but one team. That's all that was left for a worldwide deployment.

MSD and SST, the one thing they have in common, they are both emergency response skill sets and special teams. The SST was requested because they had skill sets that our MSD teams did not have.

The four things that we needed that we did not have in house were medical support -- in a, you know, worst-case scenario, a combat environment, we didn't know what we were going into originally, and there was no State Department medical office out there to support us.

So we asked SST to come to the table with medical assets to join our team.

We did not have in-house people to do airport surveys. The airport had been bombed during all of the activity that went on there. We were going to need access to the airport to bring in our supplies, people, assets, and we needed to know that that airport was secure and that we could use it. So we asked for people with that skill set.

We also did not have communications, because we -- you know, we just went in with our MSD team and their radios, and this was not enough to set up communications that needed to be done at an embassy level. So they brought a coms package.

We also did not have in-house explosive ordnance device people with expertise on ordnance. And there was live ordnance everywhere after the fighting stopped there, and especially on that route to the airport and on the fringes of the airport.

So we asked them to compile a team with those skill sets to come in to help us until we could -- you know, airport survey, that was a short-term need. And the ordnance was probably going to be a longer-term need. The medical was a need until the State Department could stand up, staff, and provide equipment for the medical unit. So they were not meant to come in and hold static positions on the perimeter or to ride in a car and do mobile security.

And they're emergency assets. And, ideally, once you deploy an emergency asset, you try to allow 90 days, which is generally three rotations, so you have enough time to find a permanent solution so you

can back those assets out and return them to the units that they came from and were available for worldwide deployment again.

So, as early as November, we started, you know, working with the RSO. "You know, we know you have your hands full, but we have to start thinking and planning for the exit strategy for these teams." Now, we knew it was not going to be in November or even January or February, but by the time we're reaching a year to a year and a half later, it's time to put a permanent solution in place.

Q And I appreciate that. But you have an email that you just wrote -- right? -- that you just described to us, that says, basically, "This is very concerning when you start putting the events together. The recent" -- I'm sorry, I'm reading from exhibit No. 5 -- "big demonstration that was openly anti-American, the attack on our compound, and now this U.K. motorcade attack. If the tide is turning and they are now looking for Americans and Westerners to attack, that is a game changer. We are not staffed or resourced adequately to protect our people in that type of an environment. We are a soft target."

A Uh-huh.

Q You have resources at your disposal, and this, to me, sounds like it's starting, if not already, an emergency situation. Why would you not keep SST and MSD?

A They weren't in Benghazi.

Q They could have been deployed, though, by the RSO, as you just said, if they were there.

A Then you would have to ask them why they weren't there.

Q But why not keep them there for Tripoli?

A I'm sorry?

Q Why not keep the SST and MSD in Tripoli? If this is happening in Benghazi, Libya, and there are certain incidents, I'm sure you are aware, that happened in Tripoli as well, why not keep them in Tripoli?

A Because they were no longer doing the functions that they were sent there to do. And we needed to -- the functions that they were doing were functions that were normally done with permanent staff positions, either local hires -- mostly by local hires.

We weren't using them for medical anymore. State had come in and taken over the medical. We weren't using them for EOD clearings. I believe six of them went and started doing mil-to-mil work and were not working under the purview of the RSO.

So the whole intent was to get the RSO to say exactly what do you need. Tell me, how many movements are you making? How many DS agents do you need, how many armed host-country locals do you need to support the numbers of movements, the numbers of the visits that you have? And in conjunction with your travel policy, because the travel policy would dictate the levels that they secure outside movement with. How many guards do you need on the perimeter, and what are you lacking? Let us come in and help you interview, vet, hire, and train local employees to fill these positions.

BY MS. JACKSON:

Q And how was that working for them? I mean, didn't both Tripoli and Benghazi have great difficulty in finding a local guard force, both armed and unarmed? And weren't there continuous problems with the people that they did hire?

A In?

Q Both Tripoli and Benghazi.

A I am not aware of problems in Tripoli with the staff that was hired there. All the emails and accounts that I got -- I mean, they worked on McCain's detail, they worked throughout the elections, and the reporting I got was that they did fine.

Q Were they getting the sufficient number of applicants that they could train the numbers that they needed?

A It was a slow process. And this is why we did not pull them out, because we were waiting to get the staff numbers up to where they needed to be.

Q And what about for Benghazi?

A Benghazi had the guard contract in place, and they did have, I believe, three armed host national security, if we can call it that, on the compound.

Q And why do you say "if we can call it that"?

A Well, all of Libya kind of turned into neighborhood militias providing security. As we think of, you know, Florida Highway Patrol or Capitol Police or Diplomatic Security under one structure of recognized law enforcement, their law enforcement was done by local militias, and they had not solidified one recognized country security

system.

Q Doesn't that increase the risk for U.S. Government personnel, when you don't have a formalized, recognized, controlled police force controlled by the local government police force?

A We were there in a diplomatic capacity to help them build the government, the new government that was forming there, and it was taking time to evolve all of this.

The people that we were given by the local authorities fully supported us. They trained with our RSOs, and, for the most part, they were very dependable and loyal to the RSOs that were at post.

Ms. Betz. Just to clarify, when you mention the local guard force, those were unarmed?

Ms. Lamb. Yes, the local guards were unarmed. Correct.

Ms. Betz. I want to go back to the July 9 cable.

Mr. Snyder. If I could have one second.

[Discussion off the record.]

Ms. Lamb. The 317 brigade guys were armed. So we had the three armed, and the local contract guards were not armed. So just a clarification.

BY MS. BETZ:

Q This is exhibit 10, and I'll read it. It's on page 2, paragraph number 4. So, basically, it says -- this is the fourth paragraph:

"Under current arrangements, post's 34 U.S. security personnel (16 SST, 11 MSD, 1 WAE TDY, 1 RSO, 2 ARSOs, and 3 TDY ARSOs) will draw

down to 27 personnel on 7/13. On 08/05, post will reduce U.S. security personnel to 4 MSD trainers, 1 RSO, 2 ARSOs, and 3 TDY ARSOs, with a further reduction to 7 U.S. security personnel on 08/13, which includes 4 MSD trainers not generally supporting transportation security, VIP visits, or RSO programs."

Were you comfortable with those security numbers, those security personnel numbers?

A I had no reason to second-guess what post was recommending if it was cleared by everyone at post.

Q Well, the point is they were concerned with that drop in number, and that was the reason why they were making the request for additional assets.

A I'm confused by the question.

Q So my question --

Ms. Welcher. Could you point to where in the document you're showing the concern?

Ms. Betz. Okay. So it says, "Under current arrangements" -- so under paragraph 4 -- so this is what [redacted] or post is concerned about -- is that, summarizing, post is going to go from 34 U.S. security personnel to 7 U.S. security personnel.

Ms. Welcher. Twenty-seven.

Ms. Betz. Seven.

Ms. Welcher. The last one.

Ms. Betz. "To a further reduction to 7 U.S. personnel on 08/13, which include 4 MSD trainers not generally supporting transportation

security, VIP visits, or RSO programs."

Mr. Snyder. You know, in light of just the thing that was mentioned off record, would it be possible to go read this to the witness, the three paragraphs that are in play, just so she has a full context?

Ms. Betz. Sure. Yeah, absolutely.

Mr. Snyder. Is that okay?

Ms. Betz. We'll go off the record.

Ms. Jackson. Let's go off the record for that, yeah.

[Discussion held off the record.]

[4:24 p.m.]

Ms. Betz. We'll go back on the record.

BY MS. BETZ:

Q And so prior to going off, we had asked the witness about paragraph number 4 on page 2 of the July 9th staffing request in which I had asked you about any concerns that you might have about the drop in U.S. security personnel that the RSO had mentioned in the staffing cable.

A Okay.

Q And so you've had a chance to read --

A Correct.

Q -- the entire document or --

A And -- and I actually as we started reading, I read this yesterday with my October -- I did read this yesterday.

When this came --

Q When you say, "read this," you have this document?

A I --

Ms. Jackson. I reviewed it.

BY MS. BETZ:

Q Reviewed it?

A I reviewed it.

Q Okay.

A I reviewed it. It was one of just a handful.

Q Okay.

A But this document was as painful to read the first time as it is this time. When you're requesting large numbers of assets like this and trying to line them all up, this isn't the format that we do.

And just shifting gears really quick, I had just come off of the Iraq transition, and that was the largest, we had hundreds of DS agents on the ground out there -- or 135. In order to know was that the right number, we had to compile matrixes. We kept track of how many movements go off compound, how many State Department employees are we supporting with movement security, how many TDYers are we supporting, how many VIP visits do we have to anticipate protecting. And all of those things go into what we consider the workload, which determines how many employees you -- security employees we need and what kind do we need? How many static guards do we need? How many posts do they have? There are formulas for figuring all of that out.

So when I read this cable in this format, [redacted] wrote it as a reporting cable in paragraph format, and it's very hard to line everything up by the needs. So I asked the desk officer to have his -- [redacted] at the time was the person working with [redacted] -- for them to get on a conference call and to go through this cable, paragraph by paragraph, line by line, and to switch this into the format that shows how many people do you need for which activities, to support VIP visits, movement security, static security, a quick reaction force. Just tell me exactly what you need and then the numbers will pop out

the other side showing what you need.

And they sat down and they did this. And all of that was compiled into the response that unfortunately never went out. But my guidance to them was before that cable went up to Scott Bultrowicz and Eric Boswell, I wanted it to be pre-approved at post, because I didn't want to dictate to post their staffing needs, I wanted to support them. But in this format, it was not clear exact -- because they were coming up on the 1-year transition when everybody was going to leave post and the new team was going to come in, so I wanted it to be laid out, very clear, the current operating support that was being provided for security.

Q So let me -- let me understand what you're saying. Are you -- were you concerned that his staffing request was not in the right format and that he was exaggerating his numbers?

A No, no.

Q Okay.

A It was just not readily apparent from the way this was written as to --

Q But it's pretty clear he's asking for a minimum of 13 TDY U.S. security personnel. That's pretty clear.

A Yes.

Q I don't know why that has to be in a different -- why does that have to be in a different format?

A Because we were trying to -- again, this is all TDY status. Back at the headquarters level, we're still trying to work out the

formula of how many permanent FTE security positions need to be added to post. And you need to articulate what you are using people for.

Q But he's saying that there is a plan FTE of five agents. Until he gets there, he needs additional TDY support as well as additional TDY, however you want to supply them, to replace the MSD and SST that haven't been redeployed per your decision.

A Okay. It is unfortunate. Do you have the response cable?

Q I do not.

A That was --

Q I just have the official cable --

A Okay.

Q -- that went from -- because per your conversation -- per our discussion, official cables are what are acted on, correct? Not drafts. But this is an official staffing cable that went through Tripoli to D.C., and I'm asking what the response is. And --

A And I'm telling you, it's all in writing, it's all 100 percent accurate. And just because it didn't get sent out with a cable number on it, I am testifying to you that everything in that cable was followed through and carried out.

Q So if this cable, or the requests that were made in this cable were fulfilled, there would have been more than the six personnel that were actually on the ground in Tripoli on September 11th, correct?

A [No verbal response.]

Q So my point is, the request was never fulfilled. I mean, we can talk about semantics in terms of draft response, but the point

is that there were six personnel on the ground in Tripoli on September 11th. So what point of this wasn't fulfilled?

A All I can tell you is post worked jointly with the desk to determine the staffing levels that they needed. This was answered, and post concurred.

Q But it wasn't answered in personnel. So you can say that it was drafted on paper, but where are the personnel that were supposed to be sent to Tripoli and, for that matter, Benghazi? That's my question to you. This is all great. We're talking about all these requests that were approved, approved whether verbally or drafts were approved, but the point is, the personnel were never sent. Personnel were never sent to either Tripoli or Benghazi, and you have an RSO that is describing to you, conditions in Libya have not met prior benchmarks established by post, the Department, or AFRICOM for a complete drawdown of TDY security personnel.

He's telling you that the conditions on the ground aren't meeting your normalization or your benchmarks for transitioning. And you're telling me that, yes, you negotiated something on paper, but the point is, the personnel were -- never made it. So why didn't they make it? Whose responsibility was it to make sure that what was put on paper translated to people on the ground? Whose responsibility was that? Was that yours? Was that Kennedy's? Was that Boswell? Was that Bultrowicz?

I mean, this whole discussion today, we've talked about paper, verbal paper, verbal approvals, paper approvals, but the point is, who

was responsible for making sure the people actually were sent?

A The staffing that was sent to post and the staffing pattern that was agreed upon following this cable coming in in this request, a team sat down and worked with post to agree on the numbers that would fulfill their needs and their requirements.

Q I under --

A And that response was drafted.

Q It was drafted, but where were the people? You're telling me that the people -- that you -- so you approved people being sent, but the people were never sent. There were six personnel on the ground in Tripoli that night.

A In Tripoli.

Q Tripoli --

Ms. Welcher. If you could -- there's a lot of assertions -- there's a lot of assertions being made without any kind of documentary support --

Ms. Lamb. Yeah.

Ms. Welcher. -- and it's really complex, so if you maybe put more specificity in what --

Ms. Betz. Well --

Ms. Welcher. -- type of personnel you're talking about or --

Ms. Betz. I'm talking about U.S. security personnel, and we're referring to the paragraph number 4.

Ms. Welcher. MSD or DS. This is a very complicated subject.

Ms. Betz. Well, I'm not talking about MSD or SST right now. I'm

talking about -- she's telling me that the request in this memo was fulfilled, and it was fulfilled in a draft response that more adequately reflected the process that had to be followed in D.C.

BY MS. BETZ:

Q Correct?

A It was a joint draft that clarified all of the needs that were raised in this cable, were reflected in the draft response back, and it was jointly done with post.

Q So I understand that, but my question is, if this was approved in a draft response, and you're saying the numbers were negotiated in additional personnel that they are requesting, why weren't they there? Because my question is that from the documents that we've seen, there weren't the additional personnel that were being requested.

Ms. Sawyer. Well, Kim, are you talking about in Benghazi, in Tripoli?

Ms. Betz. In Tripoli -- in Tripoli and then in Benghazi.

BY MS. BETZ:

Q So this memo is requesting four personnel for Benghazi.

A This --

Q One ARSO, and three TDY, correct? One ARSO to be sent from Tripoli, plus three TDY.

A This cable was meant to be a reflection of the entire security program. They were closing in on the end of their first-year tour, and people were getting ready to leave post, and I was trying

my best to get post to clarify their needs and their permanent solution staffing for moving forward without having the emergency response units that were there. It was not meant as we're out to get you and pull the rug out and pull people out. It was meant as the template, the plan moving forward. Tell me what you need and what you need it for so we can get you the right assets there.

BY MS. JACKSON:

Q And what you've said to us is there was an agreement that was reached.

A Yes. That is correct.

Q Then why didn't -- why weren't the personnel that were agreed to in Tripoli and Benghazi on September 11?

A I don't know for a fact that they weren't there.

Q There were only three agents in Benghazi, and the Ambassador brought two with him. There weren't four.

Ms. Welcher. I would say maybe this -- this shows the difficulty in reading this, but I am reading this to say a minimum of three security positions in Benghazi, three.

Ms. Betz. With at least one permanent assigned RSO.

Ms. Welcher. But that's not included in the total of three.

Ms. Betz. Post anticipates supporting operations in Benghazi with at least one permanently assigned RSO employed from Tripoli, however, would request continued TDY support to fill a minimum of three security positions.

Ms. Welcher. Three, including the RSOs, so two TDY, is how I read

that.

Mr. Snyder. Do you see her point? Like, you could read this to say that we're going to supply one from Tripoli, but we also need to maybe kick in some TDY to maybe sure to hit that minimum of three.

Ms. Betz. Well, I think there's been previous testimony by [redacted] that that was intended to be four.

Mr. Snyder. Well, that might have been what he was thinking, but just like we can't agree at this table. [redacted]

Ms. Jackson. Okay. We'll move on.

Mr. Snyder. Okay.

Ms. Lamb. And then just one other quick thing. Staffing changes take time, because whether it's a TDY person that has to be identified, get a visa and get pushed out, or whether it's a local hire that has to be, you know, advertised, hired, you know, vetted and hired, these things don't just happen. It may take 2, 3, 4 months to bring staffing, but we were trying to identify when he leaves post, how did he determine how many people he needed and where did he need them so we could carry out the continuity at the headquarters level with the next incoming RSO.

BY MS. BETZ:

Q Let me ask you this, then. I mean, we've talked in great detail, and I know my time is up. So -- and we've talked a lot about approvals and things that you did. So in your opinion, who should have

been responsible?

A For what?

Q Held responsible for any lack of security, either personnel or physical security in Benghazi.

A [No verbal response.]

Q Or is no one responsible?

A Well, the RSO and the Ambassador are ultimately responsible for security at post. It is very unfortunate and sad at this point that Ambassador Stevens was a victim, but that is where ultimate responsibility lies. And it's up to headquarters to provide resources when post asks for them, and it's also up to Washington to make sure that we don't have, you know, waste, fraud, and abuse of our resources, because we're covering the entire world as well. So it's -- you know, when you say who should be accountable, accountable for what?

Q Well, let me ask you this: Let me rephrase it. Do you believe that Tripoli and Benghazi received the resources that were needed to adequately secure the facilities, in your opinion, and the people?

A Not -- I think there were things that we didn't realize back here at Washington until after the fact. I'm going to give you a quick, really small example. In my combing through emails after the fact, I found one small email from a TDY RSO that -- it was kind of a little snippy and it said, Hey, thanks for all the money you sent me for the batteries I needed, but where the heck am I going to go get them? Am I going to run to the 7-Eleven to buy them?

He had equipment that needed batteries, he requested batteries. He got money for batteries. And I think, you know, sometimes our answer was post would ask for something and we would shove money out the door, but without having local resources to spend that money effectively, we weren't always solving the problem.

And that was just a small thing, but I think it ran deeper than just the batteries, because money got returned that was never spent.

Q So am I hearing you that you felt that they were adequately resourced, both in terms of physical security and personnel?

A No, I'm not saying that they were adequately resourced. I'm saying that the way we do business at that time at interim facilities and the quick, you know, temporary aspect of going into a country when it's needed very quickly is a huge challenge for our security experts within Diplomatic Security. It really is. Our hands are tied. And the longer -- you know, we can come in and we can put up a heck of a security system and all five layers of security very quickly around any temporary facility, but the longer you're there, the more vulnerable you become. And, you know, the Department sometimes cringes that we're hiding behind fortresses in our new embassies, that they're impenetrable, but without that type of a facility, we have had and we will continue to have, unfortunately, incidents like we did in Benghazi.

BY MS. JACKSON:

Q If the longer you're in a high-threat area, the more vulnerable you become, then why don't you increase your DS staffing

as time goes on, as the vulnerabilities increase?

A Staffing's not always the answer. Physical security and technical security are normally the number one things that we need for security, the outer layers, the outer rings, the early warning systems. It's the full package.

Q But in Benghazi, you're not going to have that. So what's your alternative? You're not going to have those outer layers of security, because, as you told us, it's an interim facility, they're not going to make it meet any type of standards, any type of physical security standards, so what's your alternative in protecting your people?

A It would not have mattered that evening if we had seven or five under the circumstances what happened there. Increasing physical security possibly could have made a difference at that facility. We have surveillance detection programs all over the world, and they are early warning signs when we have people out who know what's normal and what's not to report in, who possibly could have warned if they saw a demon- -- what appeared to be a large number of people moving towards the front gate of the embassy. The RSO's attention would have been drawn to it much quicker. And these programs just were not in place out there.

Ms. Betz. I think we're out of time.

Ms. Jackson. We're way out of time.

Ms. Betz. So we'll go off the record.

[Recess.]

Mr. Kenny. So we'll go back on the record. The time is 4:50 p.m.

BY MR. KENNY:

Q And, Ms. Lamb, again, thank you for your patience. It has been a long day. We are hopefully near the end of our questioning. And I just have a few quick follow-up questions for you.

A Okay.

Q I know my colleague does as well. But at the outset, you indicated during the break that you would like to offer a correction, or an update on the record, to a previous statement that you gave.

A Yes. There was -- one of the questions asked to me at the end was if there was anything that could have potentially made a difference in my personal opinion. And on -- in reflecting on that question, again, physical security was not my domain; however, I was aware of numerous projects that were going on in Benghazi. One of the projects was a mantrap, sally port-type of setup. And if you're not familiar with that, it's where you have to go through two barriers before you get to the inside of a compound or a building. And that project was funded, and materials to complete that project had actually arrived at post. And somewhere at post, a decision was made not to build it out as it was designed from the experts in Washington.

And in my opinion, with a large number of people that swarmed the front gate, and they did it when the local guard was changing post and coming inside, they overpowered him and came through the gate that was open, it is possible, it may not have stopped them, but it may have provided a lag time that could have possibly made a difference.

Ms. Betz. So, Peter, can I just clar- --

BY MS. BETZ:

Q So are you clarifying that that would have been a physical sort of security upgrade that should have been completed --

A That if it had been complete --

Q -- per your protocol?

A If it had been completed. But, I mean, there were other ongoing -- you know, security cameras and lights were sitting there ready to be installed, and that project was not completed. I do not know the timeline for that project, but I had been told by a TDY RSO at post that a decision had been made not to complete the project as it was designed. So I'll just throw that out.

BY MR. KENNY:

Q That's also what's referred to as the interior fence project?

A I believe that may have been that.

BY MS. SAWYER:

Q Again, thank you for your patience with us today.

A You're welcome.

[Discussion off the record.]

BY MS. SAWYER:

Q So I wanted to return briefly to an exhibit that you were shown and was discussed in the last hour, and it's exhibit 9. And that document is a March 28th, 2012, cable. And the way I read this is it discusses staffing both in Tripoli and some discussion also of

Benghazi, so it seems to cover both. And you explained to us a little bit a dynamic of kind of requests and staffing of Benghazi falling under the umbrella of Tripoli. So this would seem to reflect that. Is that accurate?

A Yes. I believe that is correct.

Q And there's a -- on that second page, there's a little dash mark there with a paragraph that appears specific to Benghazi. The rest of it is more generalized discussion of the umbrella Tripoli issue. But it says, "DS AGENT SUPPORT IN BENGHAZI." And it does discuss, as my colleagues had indicated, had been authorized in a memo. And that first sentence says, "Post requests continued support for five TDY DS agents in Benghazi on 45- to 60-day rotations." It then explains why that amount, at this point in time, is needed.

Further in that paragraph, it says in a different sentence, quote, "Once these positions," and the "these positions" refers to a number of steps that are being taken to fill certain positions, and it does, in that intervening thing, talk about the expectation that there would be an increase in TDYers. -- and I don't think it refers to security, I think it's talking about policy-related and other mission -- in the run-up to the June elections. So they're talking about that. And it says, quote, "Once these positions are filled, post anticipates requiring fewer TDY DS agents to support Benghazi."

And I -- it was that sentence that I wanted to ask you about, because it -- you had discussed the fact that there was back-and-forth discussions about need at particular points in time. This does seem

to reflect that there was at least contemplation that five was an authorized amount, but there were going to be ongoing discussions about --

A Right.

Q -- what exactly was needed at particular times.

A And they discussed protecting the COMSEC equipment as one of the duties of the TDYers, and that was one of the things that we remedied by providing physical security for that COMSEC equipment. And then they also allude to the training of the drivers and being able to utilize local drivers after they're trained.

Q And then just briefly, on the first page of this document, you know, there's a summary and action request paragraph, and right towards the bottom, the second to last sentence reads, "Post is extremely grateful for the extraordinary support provided by DS as the transition to normalize" -- as, I think it says "we," -- "transition to normalized security operations," end quote.

So that sentence there certainly doesn't express that they do not feel -- that they are in strong disagreement with what appears to be the request and the approach.

Was there -- was it your -- again, when we talked earlier, I had asked you kind of if you felt like and had a strong feeling that you were -- you or DS otherwise was denying requests that had been asked. I mean, this would seem to indicate the contrary, but had you gotten a different feeling from that?

A No. We were very proactive and very forward leaning in

providing support for any of the needs that they needed there at post.

Q And my colleague asked you about a meeting that you had with DCM [redacted]. You said you didn't remember the exact time frame, but she indicated she thought it might be February.

A If that's -- I mean, she would know her home leave schedule better than I did, but ambassadors would frequently come through my office on home leave time. Some would just pop in and see if I had a minute if they were in the building, and others would call and make specific appointments with agenda items, and I do recall having spent time with [redacted].

Q And so if it had been in February, or even earlier in March up to the 28th, this cable back from post would have been after you had met with DCM [redacted]?

A Yes.

Q So certainly, at that point in time, what seems to be reflected in that sentence is that post is grateful for the support that is being provided at that point in time?

A Correct.

Q Now, of course this was, you know, February and March, but this -- the dynamic here, this reflect -- you know, reflection of an ongoing effort to assess how many DS agents, and I'm just talking specific to Benghazi, was that a dynamic that you felt continued, then, through the time period running up to and including the night of the attacks?

A Yes. I mean, it was -- Benghazi was constantly in flux,

because they were out there by themselves and it was all TDYers. We didn't have fixed FTE positions out there defined.

Q And then when my colleagues had been talking with you about exhibit 10, which is the July 9th cable requesting extension of TDY security personnel, there was some discussion about the sentence in paragraph 5 that says "Post anticipates supporting operations in Benghazi with at least one permanently assigned RSO employee from Tripoli, however, would request continued TDY support to fill a minimum of three security positions in Benghazi."

You know, there was some discussion as to what that meant, whether that meant three security positions in Benghazi total including the one TDY, so two plus one, or three plus one.

A Right.

Q In any event, this also just seems to confirm and reflect that the discussion about the concrete number at a given point in time was somewhat in flux throughout the entire time that the mission was --

A Correct.

Q -- in Benghazi.

A Correct.

Q So, you know, certainly the memo that we also looked at much earlier, the action memo from December of 2011, contemplated and authorized up to five agents.

A Correct.

Q And certainly when people in Congress see an authorization of five agents, they do have an expectation that, in essence, at all

times, and certainly if ever requested, five agents will be there, but can you, then, explain to us kind of, I think you've done somewhat, but in an encapsulized way, in reality, kind of how that back and forth then worked?

A Right. The agents are there to support the direct hire American staff at post, and to protect the facility. So they had requested a maximum of eight people plus the two TDY slots. So potentially, they would have, on a full day, 10 American direct hire employees working at post.

Five DS agents, that would -- under that environment in that facility, that is not unreasonable, but when you only have one technical person working computers, and one reporting officer coming and going, and no one else is there on a 24/7 basis, you now have five agents that don't have a mission, per se. And this was a very small compound, and we needed to define what exactly were they doing if no one was at post.

And they can always beef up if a delegation was going there, they could ask for more support; we could bring support in very quickly on -- you know, from other countries nearby; they could take resources from within Tripoli and send there temporarily to support a short-term visit, if they had a short-time visit with lots of people. But when I asked the question, what do you do with five agents if there's only one person at post that needs to get off compound to do their job, and then that was when I was told that we have one person watching the COMSEC gear and then one person is the designated driver. And to me, that was not an appropriate use of our DS assets.

Q So as I understand what you're explaining, to the extent there was a goal of having eight to ten mission-related personnel, mission and/or --

A Right.

Q -- supporting mission, but not security --

A Right.

Q -- related personnel in Benghazi, then the contemplated five agents would be what would be reasonable and needed for that number of mission-related folks --

A Right.

Q -- and, as that number might fluctuate, then there would be a need to assess and determine how the DS agent staffing should correspondingly match the ongoing needs.

A Correct, correct.

Q So my colleague pointed out to me that I may have misstated. And I wasn't looking directly at the action memo, so I do want to just clarify with you. So this is just exhibit 8 again.

You know, that does outline that the eight seems to include the five DS, so it wouldn't be -- it says -- well -- it says, "With the full complement of five special agents" -- and I'm looking at page 2. This is, as far as I know, one of just the two places where the staffing number was mentioned, so this is the second place.

"With the full complement of five special agents, our permanent presence would include eight U.S. direct hire employees, two slots for TDY PM and USAID officers, and one LES program assistant.

So it looks like it's five DS, three more, and then a TDY PM, USAID officer, there's no number specified there, and one LES program assistant. So three direct hire, then the other numbers, TDY PM, USAID officers, and one LES program assistant are not truly specified, those numbers. Am I reading that accurately?

A I didn't draft this, and I never saw it until after the fact, so I can't --

Q Right.

A -- I can't confirm that. I mean, I go on the black and white, what is the mission, and how many people do you need to accomplish the mission. If there -- if no one shows up at post that needs to go off compound, you know, at least three of those guys would be utilized to take people off compound and back, and if you don't have people coming to post, but then when I find out one's watching a piece of equipment, and basically has nothing to do with the rest of the protection, I'm just looking for a better way to utilize resources.

And, again, these were recommendations to post, and they did not have to accept those recommendations. I suggested these as alternatives to the way they were currently staffing.

Q And then the last set of questions I had for you, I just wanted to -- a lot of -- we asked you a lot, our colleagues asked you a lot, Chairman Gowdy asked you as well -- about that June time period and the June Emergency Action Committee cable, and I wanted to give you an opportunity to take a look at that and ask you a couple questions about it. So I'm going to mark --

A What exhibit?

Ms. Welcher. She's going to give you a new exhibit.

Ms. Lamb. Okay. Okay.

BY MS. SAWYER:

Q I'm going to mark as Exhibit 11 --

A Okay.

Q -- a document. I'll give you a copy of that.

[Lamb Exhibit No. 11

Was marked for identification.]

BY MS. SAWYER:

Q And just for the record to identify it, it's a two-page document. It bears an identification number down at the bottom from the Department of State that says, C05262742. It's dated June 22, 2012. The subject line reads, "Tripoli - EAC - 06/20/2012."

So we had talked a little bit about communications where you had, in the email, strongly suggested that there be an Emergency Action Committee --

A Correct.

Q -- in Tripoli.

A Correct.

Q To the best of your recollection, would this, then, be the --

A This would be the response to that request.

Q Okay. And then just a couple questions for you based on that. One of the things that you had asked for them to consider was

potentially getting feedback from the British, given the attack had been on their convoy, and in that second paragraph, it appears that that information was gathered and that second paragraph down at the -- and last sentence says, RSO confirmed that the U.K. had withdrawn staff from its office in Benghazi, but planned to return to Benghazi at the end of June.

Do you recall kind of having that confirmed that they had left for the time being, but they apparently were at least contemplating coming back relatively soon?

A Did I confirm that?

Q No. Do you recall having heard that, having gotten the information --

A Yes.

Q -- that you had asked for?

A Yes, yes.

Q And the -- and that information, again, was reflected here. And then at the end of paragraph 4, there is a -- there is a discussion in that paragraph about the RPG attack, saying that they provided further details, and then the second sentence says, quote, "The consensus of the EAC is a continuing presence of extremist groups and individuals in Libya which warrant ongoing monitoring by the EAC," end quote.

So, you know, one of the questions you were asked -- because you indicated in your email that you had concerns, that this was troubling, indeed, if there was some targeting, this would confirm that there was

concern, would it not?

A Uh-huh. Yes.

Q And their consensus, they say, is ongoing monitoring by the Emergency Action Committee.

A Okay.

Q Would that have been something in terms of -- to the extent there was concerns about the environment and whether the environment was deteriorating, would that have been a step that would be a reasonable one to take?

A A continuing monitoring?

Q Yes. Just to have it monitored by the Emergency Action Committee.

A Yes. To me, reading this back in Washington would mean that they would probably be holding more frequent Emergency Action Committee meetings to discuss the evolving situation --

Q So they're certainly --

A -- as they monitor it.

Q And it would certainly signal to you that they're very well aware that there's troubling security incidents, they're going to keep an eye on that?

A Exactly.

Q And you would expect that as they keep an eye on it, if they see something of grave concern, they will flag it for folks at DS headquarters, or otherwise, within the State Department?

A Correct.

Q That very next paragraph, the second sentence just says that -- the first sentence says, "EAC reviewed recent threat reporting that originated with the FBI and was passed to RSO," name redacted, "on June 18th. The EAC did not recommend any additional changes to the mission's security posture, though the EAC is continuously reviewing its updated tripwires," end quote.

Again, there was a discussion of tripwires. You, in your email, indicated you thought that these incidents, the recent incidents indicated that some might have been crossed. So this indicates that the EAC, quote, "does not recommend any additional changes to mission security posture," end quote.

So at this point in time, it seems that they're not asking for any changes specific to those incidents.

A No.

Q I'm sorry?

A No.

Q And then that very last paragraph, it says, quote, "A follow-up EAC will be held on/about July 1 to reassess the overall local security and threat environment and discuss appropriate security measures in preparation for the Libyan election, paren, (now scheduled for July 7) end paren, and the Embassy's Independence Day reception. The next EAC will also review pending changes to SST and MSD staffing patterns (septels), and decide on steps forward to avoid reductions in security staffing," end quote.

So, again, that indicates that they're meeting again and that

further recommendations may come up. Is that accurate?

A That is how I would read this, yes.

Q And then we did discuss some of those further requests in the last hour.

A Yes.

Q And when we had asked you about this earlier, you had said, without reading it, you couldn't necessarily recall whether there had been a recommendation to draw down staff in Benghazi, to authorize departure from Benghazi or --

A Well --

Q -- to de --

A Had they -- I think someone asked me, I would have known if that -- I think the question was, if that had been a recommendation, would you have known. And the answer is yes. Had they recommended that, I would have known that.

Q Right. And they certainly --

A But they did not.

Q -- did not, in this cable, recommend that?

A No, no.

Q And if they had recommended it elsewhere, you also would have been aware of it?

A Exactly.

BY MR. KENNY:

Q Just shifting gears a little bit, I just have a few questions on information availability generally within the State Department. It

was the topic that the ARB had also set out to investigate. And it's our understanding that there is a unit, subunit within Diplomatic Security that provides information, a unit, ITA is the acronym. Does that sound familiar?

A Uh-huh.

Q Okay. Do you know what ITA --

A Intelligence and Threat Analysis.

Q So DS/ITA would be the way to refer to that --

A Correct.

Q -- particular unit, office?

A Correct.

Q Okay. And within that office, there's also another office that is the Intelligence and Threat Analysis office. Is that correct?

A ITA stands for Intelligence and Threat Analysis.

Q Okay.

A So I'm confused with what you're asking.

Q Okay. We've just seen DS/TIA/ITA. And is that a sub office, to the best of your recollection? Our understanding it's been a little while since --

A Yeah. I mean, the Department is full of acronyms.

Q Okay.

A I'm at a loss here, but --

Q But you're familiar with the office?

A Yes.

Q Okay. So the ITA office, or the TIA office, you're familiar

with them?

A Yes.

Q Okay. Did you have an opinion as to the abilities of that office, the capabilities of that office?

A They were outstanding.

Q Okay. And can you elaborate, perhaps offer --

A I -- my responsibility was oversight for the entire world, and they briefed me on a regular basis on incidents that occurred in different locations, and I would -- whenever I met with ambassadors or DCMs coming in from post, prior to my meeting with ambassadors and DCMs, I would ask ITA to send up their regional officer that covered that post to come up and brief me on the latest, all the incidents they've had and anything that, you know, they knew about.

Q Okay.

A And then I made sure that the ambassador or DCM, whoever I was speaking to, had all that same information, was aware of it, and that they were in sync at post with what the analyst back here in Washington was thinking and reporting.

Q Okay. And we understand they may not have been an all source member of the Intelligence Community, but did they have access, to the best of your understanding, to Intelligence Community reporting?

A Absolutely.

Q Okay. Did they have access to internal Diplomatic Security reporting?

A Yes. They supported DS.

Q And that may have included information circulated within Diplomatic Security that may not be reported through the IC channels. Is that --

A Can we just stop right here?

Q Sure.

A You're getting into the weeds on what they have access to. I didn't supervise them and I was an end user of their products and their services, so I am not the right person to ask what did they have access to and what didn't they have access to.

Q Okay.

A All I know is the end product I got, their briefings were -- hands down would stand up to any of the best briefings I got from other agencies in the U.S. Government.

Q Okay. And do you recall who the analysts for NEA would have been?

A By name, no.

Q Okay. Does the name [redacted] ring a bell?

A [redacted] was one of the analysts in --

Q Okay.

A -- the NEA.

Q So would he fit the description of someone who did a good job as the far as the --

A Absolutely.

Q -- office was concerned?

A Absolutely.

Q Okay.

At this point, we'll shift gears yet again. I mentioned, at the outset, when we began earlier this morning many hours ago now, that this is now the eighth congressional investigation. It's our hope that it's also one of the last.

Ms. Sawyer. The last.

BY MR. KENNY:

Q Not one of the last; the last. Correct.

A Thank you.

Q And so in order to help ensure that that's the case, we've been asking witnesses a series of questions about public allegations. You had mentioned you were familiar with some, perhaps not all of them. There are lots of them.

A Right.

Q We've boiled down a list of some of the, what we consider to be main or larger allegations that are currently still hanging out there. And so I'd just like to go through a couple of those allegations, just ask if you have any information or evidence that would support that allegation or not, and then we can just move to the next allegation.

A Okay.

Q So this is the first allegation. It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that Secretary Clinton told Leon Panetta to stand down, and this resulted

in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No.

Q I'll move to the next allegation. It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya. Washington Post Fact Checker evaluated that claim and gave it four Pinocchios, which was its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day resources in Benghazi?

A No.

Q It's been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented

or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring of 2011?

A No.

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," close quote, and they further found that, quote -- they further found, quote, "no support for this allegation," close quote.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

Q Next allegation. A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound on the night of the attacks. There have been a number of allegations about the cause and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding the team was not ordered to, quote, "stand down," close quote, but

instead there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's findings there was no stand-down order to CIA personnel?

A No.

Q Putting aside whether you personally agree with that decision or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of CIA security personnel who departed the Annex to assist the Special Mission Compound?

A Could you read that one more time, please?

Q Sure. It's a long one.

A I know.

Q Do you have any evidence that there was a bad or improper reason behind the temporary delay of CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q Another concern has been recognized by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from materials that were provided to the ARB?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No.

Q Let me ask these questions also for documents provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from materials that were provided to Congress?

A No.

Q It has been alleged that Deputy -- CIA Deputy Director Mike Morell altered unclassified talking points about the Benghazi attacks for political reasons, and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," close quote.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Morell altered talking points provided to Congress for political reasons?

A No.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows

about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief," close quote, on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No.

Q It's also been alleged that a team of four military personnel Embassy Tripoli on the night of the attacks, who were considering flying on the second plane to Benghazi, were ordered by their superiors in their chain of command to stand down, meaning to cease all operations. Military officials have stated those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their location. A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," close quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to

U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No.

Q It's also been alleged that the military failed to deploy assets on the night of the attack that would save lives. However, former Republican Congressman Howard "Buck" McKeon, who was the chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened and how quickly it dissipated, probably couldn't have done more than we did," close quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A No.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives that Pentagon leadership intentionally decided not to deploy?

A No.

Q And thank you. I appreciate your indulgence.

Ms. Sawyer. So I think I just have two more questions.

Ms. Lamb. Okay.

BY MS. SAWYER:

Q One -- you know, first, Ranking Member Cummings was truly hoping to come by. His schedule didn't end up permitting it, but one thing that he has been focused very clearly and consistently on

throughout is just making sure that we do everything we can to figure out if there are additional recommendations that we can make to help improve, in any way we can, how the security assessment and security resources function from the State Department. You know, certainly there's been a lot of examination and a lot of recommendations made, including some that touch on some of the issues you talked about today, like the TDY assignments.

A Right.

Q There's now a dedicated DAS for high-threat posts --

A Correct.

Q -- to give greater consistent attention to that.

A Right, right.

Q But I certainly wanted to make sure, and Congressman Cummings asked me to make sure that we had asked you, on his behalf, if there's anything more that you feel that we could recommend be done?

A Boy, I should have known that was coming. That's an important question.

Having crisis funding available is huge. DS agents and operational folks should not be worried about funding in the middle of a crisis when they're just trying to push resources out the door. Staffing FTE are permanent full-time employment status. Even if we have a facility that we know is going to be there for a year, we should put a full -- assign a full-time person there for a year, we should not continue with the TDY rotation, because there's just no continuity. And, you know, we learned this the hard way, Iraq, Afghanistan, there

was an immediate need for agents. We just lined them all up, flooded them all out there, and, you know, the RSOs would just call me with their hair on fire, you know, I can't accomplish things with TDYers, I need full-time staff, and it's a very long, arduous process to get full-time employees. And there needs to be a better process on the security side of the house for full-time employment, especially when we're standing up new facilities. Juba, when, you know, Sudan split and they started their own post, you know, it's the same thing. It takes a year to 2 years to plan and get permanent people out there.

So I think we need some sort of mechanism that makes it easier for security to identify and fill full-time positions, and to be given, again, the immediate funding that comes with those positions, and they're not cheap.

Q Well, thank you for that. We've asked you a tremendous number of questions today. You've been very patient with us. I just want to give you an opportunity -- you know, certainly it's been more than 3 years, I know, and there's been a number of investigations, so I just want to give you the opportunity if there's anything you would like to add to what you've already had the opportunity to tell us that you think would be important for the committee and the Congress to know, I just wanted to give you an opportunity to do that.

A I would first like to give recognition to Ambassador Stevens. He was a brilliant man. He was passionate about his job and the people and the work he was doing out there, and it was an absolute pleasure working with him. And that as you all, I hope, that we grow

and improve to prevent future situations from all of this.

I would also like to say that the experience held by Under Secretary Kennedy in his longevity in his position in the Department is amazing, and his support to DS and Diplomatic Security in any crisis. When we had the earthquake in Haiti, he was up around the clock providing support and assistance and making sure DS had every asset it needed to get in and do what it had to do, the coordination with the military.

I think a lot of people underestimate the knowledge that he has in handling crisis situations, and his understanding of budget and making sure that even in a crisis, we can turn to him and he can -- he knows how to appropriately, without offending Congress or taking money out of the wrong pot to move it somewhere else, he can make those decisions very quickly so that we're not agonizing over money or going anti-deficient as we're trying to get much-needed resources out.

His eye for detail -- I think, someone mentioned, you know, him possibly as a micro-manager. He's just -- in my opinion, he's a conscientious person. I received an email from him at 2:00 in the morning one time over a cable an RSO had sent in with a long 2-page explanation of could -- this RSO wanted a buy a locally-made car instead of an American-made car. And I got an email at 2:00 in the morning from Pat Kennedy saying is there a real reason why we can't give this RSO, you know, a local-made car? He certainly justified it.

And I said -- you know, I wrote back, Pat, it's 2:00 in the morning. You have bigger things to worry about. Let me handle things tomorrow, and, yes, this is a new RSO, it's his first post. He doesn't

realize we have a whole policy, and he can buy a locally-made car for the reasons he needs it, so you don't need to worry about that. But Pat was always and -- is always concerned about providing people the resources they need to do their job.

And I can't say enough about how supportive he is to DS in a crisis and to all -- you know, if I was ever overseas in a crisis, I would want to know that he was back there running the show.

And it's going to be very hard to replace him when he retires. He's -- he's just a wealth of information.

Mr. Kenny. We'll just thank you again for --

Ms. Lamb. Okay.

Ms. Sawyer. Yeah. Thank you for your time, your patience, your service. We know that you are a long-time civil foreign service officer, so thank you very much for that.

Ms. Lamb. You're welcome. Thank you all. And best of luck in wrapping all this up.

Mr. Kenny. We can go off the record.

[Whereupon, at 5:33 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing 258 pages, which contain the ~~correct~~ transcript of the answers made by me to the questions therein recorded. I have made corrections, clarifications, and deletions as appropriate to my transcript. The attached (6) six pages detail these changes.

Charlene R. Lamb

Witness Name

Charlene R. Lamb

March 21, 2016

Date

EXHIBIT 1

[redacted]

From: Lamb, Charlene R.
Sent: Tuesday, September 11, 2012 9:02 PM
To: [redacted]
Subject: RE: Msd is working both

Benghazi is bad news.

-----Original Message-----
From: [redacted]
Sent: Tuesday, September 11, 2012 7:27 PM
To: Lamb, Charlene R.
Subject: Msd is working both

Mam, don't know what's being communicated, but I know you saw visas being submitted for 2 separate teams to cover libya and egypt both. Additionally [redacted] is pulling imagery in the morning for both and 1 of ours that served in benghazi will conduct a briefing with the teams that would deploy discussing compound layout. We have several folks that are still in msd that did cairo, so we know that layout and folks are briefing it.
*Different subject - spoke to [redacted] and he very much appreciated your call, meant a lot to him. They are looking into either a foundation or a park to be named after [redacted] and will ask for donations in lieu of flowers. Several offices have reached out and are collecting donations for whatever announcement follows (this is being done at the working level-"unofficially" - just for your visibility).
[redacted]

EXHIBIT 2

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

United States Department of State

Washington, D.C. 20520

SENSITIVE BUT
UNCLASSIFIED

October 24, 2011

ACTION MEMO FOR DAS CHARLENE LAMB – DS/IP

THRU: DS/IP - [redacted]

FROM: DS/IP/NEA – [redacted]

SUBJECT: ARSO TDY Funding and Personnel Support For Benghazi - Libya

Summary

DS/IP/NEA lacks funding and effective pools of High Threat Trained candidates for TDY support to draw from to support the mission in Benghazi. To date, the IP Front Office has approved the allocation of $90,000 for TDY support in the NEA Region, including Yemen, Tripoli, and Damascus.

Recommendation(s)

That DS/IP authorizes funding for five, 45 day ARSO TDYs in Benghazi, Libya at a total estimated cost of $47,175.

Approve_____ Disapprove_____

That DS/IP request assistance from Domestic Operations, so that personnel can be selected and directed from the Field Offices by the DS Command Center.

Approve_____ Disapprove_____

DS no longer require TDY Agents to have completed the High Threat Training Course as a requirement to do a 45 day TDY in Benghazi.

Approve_____ Disapprove_____

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

DS authorizes SPS personnel from the upcoming graduating class, who cannot obtain visas for Pakistan be sent to Benghazi on TDY.

Approve_____ Disapprove_____

DS lowers the overall required number of TDY personnel for the mission from 8 to 7. NOTE: DS/IP recently lowered the staffing requirement from 10 to 8.

Approve_____ Disapprove_____

Background

The Benghazi mission is going to be short staffed by several positions within a few weeks. Staffing is currently 7 of 8. On October 28 staffing will be 6 of 8. On November 17, DS staffing will be 3 of 8.

	Staff	Start	End	Incoming	Remarks
				10/28/2011-	[redacted] replacemei
Benghazi	RSO	9/17/11	10/28/11	12/20/11	[redacted] out of HFO
	ARSO-P	8/9/11	10/28/11	Vacant	[redacted] (Medic)
				11/5/2011-	[redacted] SPS repla
	ARSO-P	8/9/11	11/5/11	12/20/11	[redacted] NYFO
	ARSO-P	10/4/11	11/17/11	Vacant	[redacted]
	ARSO-P	10/4/11	11/17/11	Vacant	[redacted]
	ARSO-P	8/9/11	11/17/11	Vacant	[redacted]
	ARSO-P	10/13/11	11/27/11		[redacted] ARSO Franl
	ARSO-P	Vacant			
Total TDY at Post	**7 of 8**				

Previously the TDY positions were being directed by the DS Command Center through the various Field Offices. DS/IP/NEA is no longer able to utilize this process. DS/IP/NEA's traditional means of locating TDY staffing via DS Broadcasts, telephone calls to Field Offices and word of mouth have not been able to generate sufficient candidates to fill these 8 positions on a continuing basis.

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In order to increase the number of potential candidates DS could remove the requirement for TDY Agents to have completed the High Threat Training Course prior to doing a 45 day TDY in Benghazi.

In order to identify an additional source of personnel DS SPS positions could be used to fill designated TDY slots in Benghazi. On Friday, October 28 a class of SPS personnel will be graduating, nine of whom are currently unable to obtain the required visas to travel to Pakistan. DS/IP/NEA requests some of these personnel be assigned to Benghazi for 45 to 60 days to alleviate immediate near term staffing shortages. SPS personnel have successfully worked in Benghazi previously.

Another option to alleviate the staffing gap is to lower the required number of TDY personnel from 8 to 7. Recently DS/IP lowered staffing from 10 to 8. The current staffing in Benghazi is 1 Envoy/primary, 1 AID, 1 IMO/MGT and 7 DS security personnel.

The estimated cost for a single 45 day TDY in Benghazi is $9,435. DS/IP/NEA's FY12 balance of $11,000 through November 18 is not sufficient to cover the $47,175 estimated cost for five TDY positions. DS/IP/NEA asks that it be advanced funding in the amount of $47,175. Once IP/NEA receives its full 2012 apportionment, it will reimburse whichever office/function codes provide the $47,175. However, ultimately, IP/NEA will likely have to ask for additional funding with no obligation to reimburse, if the TDY tempo is commensurate with 2011 levels. There is a competing priority/requirement to staff Yemen, Tripoli, and Damascus this quarter as well, at an estimated cost of $90,000.

The extraordinary amount of TDY support to date may warrant comment from the NEA Bureau. Asking NEA to acknowledge DS' funding requirements to maintain an effective security posture is advisable and could afford support from NEA. With a yearly Financial Plan of $228,000, DS/IP/NEA is on track to obligate its yearly funding in 90-days or less. The only means to continually fund the recurring TDY support within the NEA Region is by transferring funds from other DS/IP Regional Directors, or other IP Offices, including DS/IP/OPO.

Cost **Per** 45 day TDY:

Airfare	$5,000	
Per Diem (Istanbul)	$794	(Hotel room 1 night each way and MI&E)

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MI&E (Tripoli)	$675	(45 days x $15, lodging and meals provided by post)
Danger Pay	$2,340	(Based on $52 per day, rough average for FS-03 depending on step)
Post Differential	$126	(Based on $42 per day, rough average for FS-03 depending on step. Cost accrued after 42 days in country)
Misc.	$500	
TOTAL	$9,435	

This issue is time sensitive as the lead time to get TDYers into country has increased by at least a week as DS/IP/NEA now has to obtain a visa for TDYers traveling to Libya.

Drafted:

Cleared:

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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BY MR. BEATTIE:

Q You mentioned the memo, the December 27th memo from 2011, it had the number five in there. We were just curious. How did that actually get generated? Like, what was the process sort of in the negotiation of the discussions? Like, you know, obviously DS -- we are assuming DS had a lot input into that, you're agents, you guys have the expertise, so we're just curious to understand how do you get to that number five?

A Certainly. I wasn't a factor in that particular planning aspect. At the time it was being handled by -- at the time it was Acting Regional Director [redacted] to come to that number. I don't know specifically what was his thinking on the matter, but I know in the summer of 2011 they were down to five agents for several months, so that was the -- in Benghazi -- that was the lowest number that was on the ground in Benghazi that I'm aware of at that time timeframe prior to December of 2012.

Also, with the memorandum, the staffing of Benghazi was much larger. I think they had seven reporting officers in the early -- well, the 2011 summer, basically from April until the U.S. Embassy opened in Tripoli, seven reporting officers. So it was -- I don't know if you're aware, they moved from a hotel to a compound.

Q To Betsy.

A Correct. And so there were less people, and then also the memo reduced the compound size. We had three compounds. We went to two, so --

Q You lost Villa A and you went down to --

A Correct. So just from a security standpoint in general, I don't know what the reason behind the five is, but you know, smaller area, less people --

Q Sure.

A -- logically would dictate less security, potentially, depending on the threat, of course, but that's where I believe that number came from.

BY MR. OHLY:

Q Do you know why there was difficulty getting to five or why there were so infrequently five agents?

A Yes.

Q Can you explain?

A Certainly. In October of 2011, I assumed responsibilities for obtaining TDY staff for all of Libya. Prior to that, it was a desk officer colleague of mine. The mission in -- around the same time, September, October, the mission in Benghazi changed essentially from a protection mission, which was run by our dignitary protection unit here in Washington, to a more traditional RSO program management position, which pushed it back into DS/IP's, my office's realm.

So at that time the mechanism to get agents changed, they have a task-oriented system, we have a -- it's hard to describe, but it's a system where basically we get volunteers to go. It's usually the high threat posts. And our system is, generally we cover -- traditionally we cover one RSO position like over a summer

transition or during a break. It was very difficult for us to get the type of numbers on kind of a continuous basis through the volunteer system.

BY MR. BEATTIE:

Q So is that because -- I'm just referring to what you said, correct me if I'm wrong -- but is that sort of system designed -- it sounds like you're alluding that the system was kind of designed to deal with one absence here or one absence there, but is that because typically with a traditional RSO model you've got a more regular staffing kind of already set up and you're just kind of staffing the gaps, like during vacations in August or something like that?

A That's correct. Typically we just cover the gaps, but we did do -- occasionally we would do -- particularly in the beginning of Arab spring, it was very busy, and we had to find TDY support. But generally it wasn't near that number. It was never near that number. And it was for a much shorter timeframe, usually only one or two 60- to 30-day deployments for agents.

Q So is it fair to say that Benghazi being a sort of a non-official post but still needed a significant number of TDY agents, that sort of created challenges for you guys in staffing that, given your model?

A Definitely.

Mr. Beattie. Thanks.

BY MR. OHLY:

Q And did you all try to do anything to make that easier or

was there anything you could have done to facilitate it?

A I don't know the answer to that. I definitely tried to -- I identified the problem immediately because you can see the staffing chart as was coming down. So when I took over the program in October, I immediately had conversations with my direct supervisors, and we generated an action memorandum with numerous recommendations on how we thought or I thought we could alleviate this problem.

Q And was this just specifically focused on Benghazi or --

A I believe it was Libya-centric --

Q Libya.

A -- but I can't remember if it was Benghazi specific.

Q And do you recall the timeframe that that actual memorandum circulated?

A The date was mid- to late October of 2011.

Q And was that ever signed?

A It was approved by my immediate supervisors.

Q Did that help alleviate the concerns?

A It was not approved through their superiors, so it never --

Q So where did it stop?

A It stopped, as far as I know, at the -- I don't know where it went. I know it went up to the Deputy Director/DAS level. Which one of them looked at it or which one didn't, I don't know.

Q Did you ever understand why it didn't get approved at that level?

A No, I did not.

EXHIBIT 4

C06122227 IED U.S. Department of State Case No. O-2016-10902 Doc No. C06122227 Date: 12/07/2016
SUBJECT TO AGREEMENT ON SENSITIVE INFORMATION/REDACTIONS. NO FOIA WAIVER.

SCB0048116-MOU

From: [redacted]
Sent: Friday, February 10, 2012 3:36 PM
To: [redacted] Lamb, Charlene R; DS-IP-NEA; [redacted]
Cc: [redacted]
Subject: 2012 Extension of Benghazi Exception - Approved & Signed
Attachments: Benghazi Exception to OSPB-Signed.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Working
AttachmentsClassification: SECRET
Classification: SECRET//NOFORN
SensitivityCode: Sensitive

All,

Please find the attached PDF showing A/S Boswell's approval for the 2012 Extension of the Benghazi Exception. Good afternoon and best regards to all,

[redacted]

(ClassNet)
[redacted]
Countermeasures Programs (DS/ST/CMP)
Contractor - Olgoonik Global Services

This document is UNCLASSIFIED//NOFORN when separated from SECRET//NOFORN attachment(s).

Sensitivity: Sensitive
Classification: **SECRET//NOFORN**
Derived From: A/S Boswell Memorandum attached
Declassify On: 2037/02/10

STATE DEPT [redacted] PRODUCED TO SELECT BENGHAZI COMM
UNCLASSIFIED U.S. Department of State Case No. O-2016-10902 Doc No. C06122227 Date: 12/07/2016 30048116

EXHIBIT 5

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMM.
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C05388866 Date: 10/20/2015

C05388866-MOU

Blue, Adam

From: Bultrowicz, Scott P
Sent: Monday, June 11, 2012 5:53 PM
To: Lamb, Charlene R.
Cc: Boswell, Eric J; Smith, Gentry O
Subject: Re: British Motorcade attacked in Benghazi

Charlene

I agree with your points of concern and it would be useful to get post (Tripoli and Benghazi input on the latest developments, as well as any readouts from the Brits).

From: Lamb, Charlene R.
Sent: Monday, June 11, 2012 04:16 PM
To: Bultrowicz, Scott P
Cc: Boswell, Eric J; Smith, Gentry O
Subject: RE: British Motorcade attacked in Benghazi

Latest on Benghazi:

They're locked down now for the next two days. I have Jim pulling up Tripoli's trip wires and we're going to apply them to Benghazi, just by highlighting in yellow the ones that they have already crossed. I've also asked Jim to reach out to RSO Nordstrom and strongly suggest that post (Tripoli) hold an EAC to discuss what's going on in Benghazi and determine what if any security measures they need to be enhancing, update their travel policy, ect. Jim is also setting up a meeting with our cousins to discuss. This is very concerning when you start putting the events together: The recent big demonstration that was openly anti-American, the attack on our compound, and now this UK motorcade attack. If the tide is turning and they are now looking for Americans and Westerners to attack that is a game changer. We are not staffed or resourced adequately to protect our people in that type of an environment. We are a soft target against the resources available to the bad guys there. Not to mention there is no continuity because we do everything there with TDY personnel. The cost to continue to do business there may become challenging.

Charlene

From: Bultrowicz, Scott P
Sent: Monday, June 11, 2012 1:05 PM
To: Lamb, Charlene R.; Boswell, Eric J; Smith, Gentry O
Subject: Re: British Motorcade attacked in Benghazi

Charlene

This along with last weeks incident is troubling. What is posts current movement operations?

From: Lamb, Charlene R.
Sent: Monday, June 11, 2012 11:15 AM
To: Boswell, Eric J; Bultrowicz, Scott P; Smith, Gentry O
Subject: FW: British Motorcade attacked in Benghazi

It seems the vehicles were moved off our compound a couple weeks ago and are now being kept by the Brits.

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C05388866 Date: 10/20/2015

From: [redacted]
Sent: Monday, June 11, 2012 10:29 AM
To: Papanu, Brian
Cc: [redacted]; DS-IP-NEA; [redacted]
Subject: RE: British Motorcade attacked in Benghazi

Brian,

None of the vehicles are located on our compound any longer.
According to our PO, they were moved off compound a couple of weeks ago.
PO indicates that they were planning on a number of movements so they took possession of all the vehicles.

PO stated that their armored vehicles do have DIP plates.

BBC and Reuters are breaking the news...

Will follow up with an official spot report when we have more information.

Thanks!
[redacted]

[redacted]

RSO Desk - 240-553-9328

SBU
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C05388866 Date: 10/20/2015
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EXHIBIT 6

REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[redacted]

From: [redacted]
Sent: Friday, June 15, 2012 9:11 AM
To: [redacted]
Cc: [redacted]; [redacted]; [redacted]; TRIPOLI RSO
Subject: RE: Staffing

Classification: UNCLASSIFIED
SensitivityCode: Sensitive
SMARTCategory: Working

[redacted]

[redacted], thank you.

[redacted]
Desk Officer | DS/IP/NEA
Office Ph: 571.345.3475 | Mobile Ph: [redacted] Fax: 571.345.3400
Email: [redacted]@state.gov

SBU
This email is UNCLASSIFIED.

From: [redacted]
Sent: Thursday, June 14, 2012 1:56 PM
To: [redacted]
Cc: [redacted]; [redacted]; [redacted]; TRIPOLI RSO
Subject: RE: Staffing

[redacted]

Yes, I concur with this recommendation. I just had a lengthy meeting with DCM [redacted], who is scheduled to depart tomorrow, and we are both concerned about the ongoing incidents, particularly in the east. These incidents unfortunately track with what we anticipated, both in pre-election violence, as well as the increase in extremist activity as they attempt to consolidate their power base in the area. I fear that we have passed a threshold where we will see more targeting, attacks, and incidents involving western targets.

Our threats have remained consistent since operations have resumed, although I would move up extremist activity in light of the recent incidents, including:

- 06/12/2012 – 0350 hrs - RPG attack on the ICRC compound in Misrata;
- 06/11/2012 – Attack on UK Ambassador's convoy – Benghazi;
- 06/13/2012 – 2 LGF members reported to TDY ARSO regarding claims from friend of theirs told them he overheard a group of individuals talking in Tripoli about bombing

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the American "horse riding" place. They would not reveal their friend's name out of concern for his safety. The attack would be a group attack. Although their friend did not know the name of the of leader of the group, he recognized the leader as a known criminal, a former member of the Libyan intelligence service and Gaddafi's militia, and a member of Gaddafi's family. The leader of the group is from Sirte. He has dark skin and a light beard. The conversation was overheard two days ago on Monday, June 11, 2012.

- 06/08/2012 – 2345 hrs – Sabha- Two hand grenades targeted at marked UK vehicles outside of a Sabha hotel. One detonated, damaged three tires and an oil pump. The second grenade failed to detonate.
- 06/05/2012 -- A U.S. Embassy LES bodyguard assigned to the Ambassador's Protection Detail informed the RSO that he was asked about specific security questions concerning the embassy by an individual that he believed was an extremist.
- 05/22/2012 – ICRC building attacked by RPG – Misrata. The Imprisoned Sheikh Omar Abdul-Rahman Brigades claimed responsibility on 27 May claimed responsibility for a rocket-propelled grenade attack on 22 May that targeted the Benghazi office of the International Committee of the Red Cross (ICRC). The brigade accused the ICRC of attempting to convert internally displaced members of the Tawergha ethnic minority to Christianity. It called for the NGO to close its offices, and declared Libya to be an Islamic state.

THREATS:

- ✓ -Isolating incident as a result of political or militia violence;
- ✓ -Targeting / attacks by extremist groups, particularly in the eastern portion of Libya;
- ✓ -Targeting / attacks by former regime elements (FRE);
- ✓ -Increasing rates of violent crime involving firearms and heavy weapons;
- ✓ -mines, unexploded ordinance, and explosive remnants of war (ERW);
- ✓ -vehicle accidents

[redacted]
Regional Security Officer
U.S. Embassy
Tripoli, Libya
[redacted]
http://libya.usembassy.gov/

SBU
This email is UNCLASSIFIED.

From: [redacted]
Sent: Thursday, June 14, 2012 6:07 PM
To: [redacted]
Cc: [redacted]

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Subject: FW: Staffing
Importance: High

[redacted]

Please let us know if you concur with this recommendation.

Thank you,

[redacted]
Desk Officer | DS/IP/NEA
Office Ph: 571.345.3475 | Mobile Ph: [redacted] Fax: 571.345.3400
Email: [redacted]@state.gov

SBU
This email is UNCLASSIFIED.

From: [redacted]
Sent: Thursday, June 14, 2012 11:40 AM
To: [redacted]
Cc: Benghazi RSO
Subject: Staffing

Good Morning,

Please see below recommendation and follow up justification for staffing at US Mission Benghazi.
PO departed post today, June 14, and the three agents on the ground are adequate until the fourth arrives next week, at approximately the same time the TDY PO from Tripoli arrives.

Please let me know if you have any questions.

Summary:

Due to the uncertainty of the security environment preceding the upcoming elections, RSO Benghazi recommends a minimum of **5** agents be deployed at Post, with an MSD team on standby. The parliamentary elections are currently scheduled for July 7, 2012, having been postponed once already. Any further delays will likely increase tension on the ground, creating a more volatile security environment.

Details:

US Mission Benghazi convened an informal EAC meeting which included RSO, PO, and Acting MGMT officer. The committee agreed that the RSO office should be staffed by a minimum of **4** agents to properly support the mission given the heightened threat level. Four agents can adequately support the mission and should be the core/minimum in order to maintain effective security in an unpredictable environment. Recent attacks have intensified in frequency with the active targeting of diplomatic personnel (e.g., the IED attack on

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the U.S. compound, the complex attack on the UK Motorcade, and a recent rally by heavily-armed Islamist militia members).

At this time, US Mission Benghazi has three agents on the ground with a fourth en route. This core team necessity is based on threat reporting, Host Country Support and facilities/accommodations (morale) within the mission. A balanced schedule meets core staffing levels in the most consistent manner possible based on established criteria:

1. TOC maintained 24-hours a day with shifts split between 4 agents
    a. An additional agent would allow for the implementation of a regular shift schedule
2. One Principal Officer
3. Two LES Drivers for PO movements
4. LGF staffing levels are maintained
    a. Five Guards per shift, with +1 LGF Commander on duty from 0800-1600
    b. Total of 21 Guards on a scheduled rotation
5. QRF remains a viable asset on ground
    a. Four Militia members acting as QRF working/living on U.S. Mission property
6. Host Country Support (SSC) for security
7. Threat level reporting (tripwires)

Staffing requirements for TDY/MSD support to compensate for unplanned/uncontrollable changes in theater of operations should be done weekly and projected monthly, based on the threat environment and needs of personnel on the ground to include the below criteria:

- Threat level, change in method of operations
- Active Targeting of Westerners
- Active Threat against US Mission
- Day attacks vice night time attacks
- Pre-Election violence/rallies (delays in elections may create tension)
- Increase in political violence

RSO will continue to monitor and assess staffing needs weekly based on the threat assessment of events in theater, taking into consideration the 5-6 week lead time needed for VISA processing for Libya.

Thanks!
[redacted]

TDY RSO [redacted]
Cell - [redacted]
RSO Desk - 240-553-9328

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EXHIBIT 7

C05578316

United States Department of State

Washington, D.C. 20520

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June 15, 2012

ACTION MEMO FOR DAS CHARLENE LAMB – DS/IP

FROM: DS/IP/NEA - [redacted]

SUBJECT: TDY Staffing Support for Benghazi - Libya

Summary

Due to the uncertainty of the security situation in Benghazi and the fact that their appears to be an active terrorist cell in Benghazi, Libya, planning and implementing attack operations against western interests including the U.S. Mission in Benghazi, the RSO is requesting additional TDY staffing for Benghazi. DS TDY staffing for the mission is currently set at three personnel. The TDY RSO in Benghazi and RSO in Tripoli both recommend increasing that staffing to five through the election period currently scheduled for July 7, 2012 and to four after that. DS/IP/NEAs current operating budget is $196,276. Given our current operational tempo we believe that these added TDY positions can be funded from our current budget through FY2012.

Recommendation(s)

That DS/IP authorizes additional TDY security personnel as requested by the RSO for Benghazi.

Approve_____ Disapprove_____

Background

Since May 22, 2012 there have been numerous attacks against western interests in Libya with several of them occurring in close proximity or at the U.S. Mission in Benghazi.

C05578316

SENSITIVE BUT UNCLASSIFIED

- 06/12/2012 – 0350 hrs - RPG attack on the International Committee of the Red Cross (ICRC) compound in Misrata;
- 06/11/2012 – Attack on UK Ambassador's convoy – Benghazi;
- 06/08/2012 – 2345 hrs – Sabha- Two hand grenades targeted at marked UK vehicles outside of a Sabha hotel. One detonated, damaged three tires and an oil pump. The second grenade failed to detonate;
- 06/06/2012—U.S. Mission Benghazi was targeted by an IED which detonated causing damage to the exterior wall of the compound. The Imprisoned Sheikh Omar Abdul-Rahman Brigades claimed responsibility for the attack;
- 05/22/2012 – International Committee of the Red Cross building attacked by RPG – in Benghazi. The Imprisoned Sheikh Omar Abdul-Rahman Brigades claimed responsibility on 27 May. The brigade accused the ICRC of attempting to convert internally displaced members of the Tawergha ethnic minority to Christianity. It called for the NGO to close its offices, and declared Libya to be an Islamic state. It warned that the Americans would be targeted next.

Attachments:
(1) Current Staffing Roster for Libya

Drafted: DS/IP/NEA – [redacted] x. 5-3475

Cleared: RSO – [redacted] (ok)

SENSITIVE BUT UNCLASSIFIED

C05578316

Attachment:	12 Tripoli 690 Libya TDY Staffing excel Action Memo Jerusalem dated June 12, 2012 RSO Transfer Report dated July 3, 2012
Drafted:	DS/IP/NEA [redacted] ext 5-3475
Cleared:	DS/IP/RS [redacted] (ok) DS/IP/NEA: [redacted] (ok) DS/IP: [redacted] (ok) DS/CFO: [redacted] ( )

EXHIBIT 8

(STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
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201123787

United States Department of State

Washington, D.C. 20520

SENSITIVE BUT UNCLASSIFIED December 27, 2011

ACTION MEMO FOR UNDER SECRETARY KENNEDY - M

FROM: NEA – Jeffrey Feltman

SUBJECT: Future of Operations in Benghazi, Libya

Recommendation 1:

That you approve a continued U.S. presence in Benghazi through the end of calendar year 2012; and that you approve a combined footprint of 35 U.S. government personnel in Benghazi, including eight State Department and USAID and two TDY beds.

Approve _____ Disapprove _____

Recommendation 2:

That you approve the release of the existing State Department lease in Benghazi on Villa A; and that you approve the retention of Villas B and C for office and residential space for the State Department presence.

Approve _____ Disapprove _____

Background

The Transitional National Council (TNC) recently declared Libya liberated and moved the center of TNC operations from Benghazi to Tripoli. Chris Stevens, the Department's original Special Envoy to the TNC, has been replaced by Bureau of Political Military Affairs officer [redacted] who previously served at Embassy Tripoli. Entry level officer [redacted] transitioned to Tripoli in mid-December and USAID has shifted its permanent presence to Tripoli. Because of budget constraints and the reduced footprint, Diplomatic Security's current presence consists of two Special Agents, with an additional three slots currently unfilled.

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With Information Management Officer (IMO)/Management Officer [redacted] the permanent presence in Benghazi is five, down from an approved footprint of 17. The current leases are paid through February 4, 2012, and extendable at our discretion through 2015.

Although our presence in Benghazi has shrunk considerably since the reopening of the Embassy in Tripoli, I would like to maintain a small State-run presence in Benghazi through the end of calendar year 2012, to include the critical summer elections period. Headed by an FS-02 or GS-14 officer, this office would work in close coordination with Tripoli on political and economic reporting, public diplomacy and commercial work in the eastern part of Libya and serve as "host" for the activities of USAID, PM, and any other U.S. government TDY personnel in Benghazi. Because this would be a smaller operation, Benghazi would continue to be supported by one IRM TDYer for communications and management issues and one NEA TDY reporting officer in addition to the TDY head of operations. NEA also would support the continuation of an LES PSA position to provide translation, policy, and administrative support. With the full complement of five Special Agents, our permanent presence would include eight U.S. direct hire employees, two slots for TDY PM and USAID officers, and one LES program assistant.

A continued presence in Benghazi will emphasize U.S. interest in the eastern part of Libya. Many Libyans have said the U.S. presence in Benghazi has a salutary, calming effect on easterners who are fearful that the new focus on Tripoli could once again lead to their neglect and exclusion from reconstruction and wealth distribution and strongly favor a permanent U.S. presence in the form of a full consulate. They feel the United States will help ensure they are dealt with fairly. TNC officials have said some government agencies may shift their headquarters to Benghazi (such as the National Oil Company). Other government agencies and corporations already have their headquarters in Benghazi and will likely remain there for the foreseeable future. The team will be able to monitor political trends (Islamists, tribes, political parties, militias) and public sentiment regarding the "new Libya," as well as report on the critical period leading up to and through Libya's first post-Qadhafi elections. Programmatic benefits to a continued U.S. presence in Benghazi include building on USAID/OTI's programs to strengthen civil society groups, media training, and capacity building in municipal councils. We should continue to engage with the populace, particularly with the large population of Libyan youth, an important and receptive audience with high expectations for the post-revolution period.

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Italy, Tunisia, Morocco, Malta, Finland, Turkey, Egypt, Sweden, Sudan, and the Palestinian Authority all have consulates in Benghazi. In informal conversations, representatives of the United Kingdom and French have said their governments would be unlikely to maintain offices there for budgetary reasons. The European Union and the United Nations have not announced whether they will maintain long-term presences in Benghazi.

Facilities

The current Benghazi State platform (Villas A, B, and C) is a 13-acre walled compound with 3.5 villas, office space, and a dining hall. Although all groups have come to the conclusion that co-location is the best and most economical option for continued presence, [redacted] the current State facility is not large enough to permit co-location. Tripoli Facility Manager [redacted] recently traveled to Benghazi to study a proposed villa compound (Villa D – see Tab) [redacted] and determined that the electrical, plumbing and physical security work needed to bring the facility up to an acceptable standard would negate any cost savings of the move.

The current Villa Compound is much larger than we need for the duration of our presence in Benghazi. We currently pay $70,000/month for the three properties (A - $28,000/month, B - $14,000/month, and C - $28,000/month). NEA proposes to release the Villa A property and use Villa C for residential and Villa B for offices, dining facility, and TDY housing. If you agree with this course of action, NEA will work with DS to rapidly implement a series of corrective security measures as part of the consolidation of the State footprint. We have one-year leases renewable for up to three additional one-year periods on these villas, with an option to terminate without financial penalty after the first six months, with sixty days notice. In order to avoid any additional rent payments on Villa A, NEA proposes to give immediate notice of termination, but would like to retain the leases on Villas B and C through the end of calendar year 2012 [redacted]

Attachment:
Tab – Benghazi proposal

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Approved: NEA/FO: Jeffrey D. Feltman

Drafted: NEA-SCA/EX – [redacted]

Cleared:

NEA/FO: RMaxwell	
NEA-SCA/EX: [redacted]	
NEA/MAG: [redacted]	ok
NEA-SCA/EX: [redacted]	ok
NEA-SCA/EX/PMO: [redacted]	ok
NEA-SCA/EX/Budget: [redacted]	ok
M: [redacted]	ok
OBO/FO [redacted]	ok
DS: [redacted]	ok
RM: [redacted]	ok
A: [redacted]	ok
D(N): [redacted]	ok
D(B): [redacted]	(info)
P: [redacted]	(info)
Benghazi: [redacted]	ok

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EXHIBIT 9

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MON OCT 01 23:57:06 2012 [Tripoli 130] COPY Page 1 of 3

PTP7240

UNCLASSIFIED PTP7240

01 TRIPOL 00130 00 OF 02 280924Z

@INFO: CMS(00) D1(00) DOHS(00) DSCC(00)
EAO(00) EXECSEC(00)IRM(00) M(00)
OPSDS(00)OPSPATHREADERDEFAULT(00)
P1(00) SESIRM(00)SSEX(00)
SSEX(00)
========== 281039Z MAR 12 STePS (TOTAL COPIES:000)

ACTION DS-00

INFO LOG-00	COR-00	MFA-00	AF-00	AMAD-00	A-00	CIAE-00
INL-00	DNI-00	DHSE-00	OIGO-00	UTED-00	FOE-00	TEDE-00
INR-00	MOFM-00	MOF-00	NEA-00	DCP-00	OIG-00	MCC-00
PER-00	DOHS-00	IRM-00	SSO-00	SS-00	ASDS-00	FMP-00
CBP-00	DSCC-00	ALM-00	SAS-00	FA-00	PESU-00	/000W

---------- 57B601 280937Z /38

R 280648Z MAR 12 ZDS
FM AMEMBASSY TRIPOLI
TO SECSTATE WASHDC 0597

UNCLAS TRIPOLI 000130

C O R R E C T E D C O P Y - REFTEL ADDED.

SENSITIVE
STATE FOR DS/IP/NEA AND NEA/EX

E. 13526: N/A
S: ASEC, AMGT, LY
SUBJECT: REQUEST FOR DS TDY AND FTE SUPPORT

REF: A) 12 TRIPOLI 64;

1. (SBU) SUMMARY AND ACTION REQUEST: As Tripoli seeks to transition from emergency to normalized security operations, post and the RSO face a considerable workload in a constantly evolving environment. Accomplishment of RSO's core objectives -- essential support for movement security, including continuing high volume of senior-level visits; rebuilding and expanding post's PSA Local Guard Force (LGF); managing major physical security projects; creating a locally engaged bodyguard force; and establishing traditional RSO programs -- requires continued TDY support from the Department, as well as an increase in the number of our permanently assigned RSO staff. In order to transition successfully from the current MSD and SST-based security model to one that incorporates more locally based and non-emergency assets, post requests: 12 TDY DS agents for 45-60 day rotations in Tripoli (to replace our two departing MSD teams); 5 TDY DS agents for 45-60 day rotations in Benghazi; continued deployment of one MSD team through completion of training of our second LES bodyguard team (o/a July 1); one TDY ARSO from April 1 til July 1; and one WAE TDY'er to assist with LGF program development and emergency planning. In addition, post requests an increase in full-time staffing for RSO Tripoli to include: one RSO, one Deputy RSO, and four ARSOs. Post is extremely grateful for the extraordinary support provided by DS as transition to normalized security operations. End summary and ion request.

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2. (SBU) As noted in our EAC reports and regular DS spot reports, the security environment in Tripoli remains uncertain and unstable. Although there has been a marked decrease in the number of militia checkpoints around Tripoli, the Transitional National Council (TNC) has not yet succeeded in demobilizing the multiple militias or bringing them into a centralized command and control structure. This uncertain environment is likely to continue through the entire transition cycle, which as outlined in the TNC's constitutional charter, is expected to last at least one year beyond the June 2012 election for the constitutional assembly. In REF A, Post provided a detailed description of the evolving security environment at Post, VIP visit demands, physical security projects underway, and an update of LGF and LES close protection recruitment, staffing, and training efforts.

3. (SBU) As recommended by the Department, post is developing plans to transition our security staffing from an MSD and SST-based model to one that incorporates more locally based and non-emergency assets. Post requests the following support:

-TDY DS AGENTS: Post requests twelve (12) TDY DS agents, with a preference for high-threat trained personnel, for 45-60 day rotations, to provide movement and static security in lieu of two MSD teams. Since Tripoli reopened in September 2011, post has relied on three teams of MSD agents (18 DS agents) to provided emergency support in support of our operations. One of the three MSD teams departed post in March and was not replaced. While post has reduced its movement security profile in light of a general improvement in the security environment, Post requires a DS escort for movement of personnel who have not received FACT, SNOE, or similar post provided training. Currently, MSD and SST personnel man two Quick Reaction Force (QRF) elements, deployed as a response force, for all day time movements in Tripoli. Movements after 1800 generally require QRF support and a DS escort in the vehicle. MSD and SST personnel also provide personnel to support COM and DCM movement teams. Post also is required to deploy MSD and SST personnel to support VIP visits, which occur at rate of 3-5 per month. Finally, MSD and SST assets provide static armed security at the temporary Chancery and interim Residential compounds. As Post's LES close protection assets and program expands, we would expect the number of TDY DS agents to contract accordingly, with a planned complete reduction of TDY DS agents in Tripoli within the next 3-5 months. However, complete elimination of our USDH TDY security presence is contingent upon post receiving host government permission to arm our LES bodyguard force.

-DS AGENT SUPPORT IN BENGHAZI: Post requests continued support for 5 TDY DS agents in Benghazi on 45-60 day rotations. This number is required to ensure that we have an appropriate USDH presence to protect our COMSEC; support the two long-term USDH TDY'ers; and support an increasing number of program/assistance TDY's from both Tripoli and Washington. The number of TDY'ers in Benghazi is expected to increase in the run-up to the June elections. Embassy Tripoli is in the process of recruiting four LES drivers and an RSO

LES SPSS, which will support operations in Benghazi. Post also plans to deploy a TDY RSO from Tripoli once expanded permanent staffing is established and stabilized. Once these positions are filled, Post anticipates requiring fewer TDY DS agents to support Benghazi. Although an LGF contractor has begun operations in Benghazi, initial discussions regarding contractor-provided armed close protection / movement support does not appear viable based on implications regarding GOL firearms permits. Currently, the LGF

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contractor is able to obtain only short-term (48-72 hr) firearms permits for specific VIP visits.

-MSD TEAMS: Post requests the continued deployment of one MSD team of six agents to provide training team assistance for a surge of newly hired LGF and LES movement security. We would expect the first group of 12 LES movement security team members to complete an 8-week MSD led training course on April 19 and a second group of 12 team members to complete the same training on June 14. Approximately 50 newly hired LGF will complete MSD assisted two-week basic training courses by mid-April. Post anticipates the departure of the MSD training team upon completion of the second LES movement security team training course and deployment, on/about July 1, 2012. Post requests that the second MSD team currently deployed until mid-May be replaced with the aforementioned TDY non-MSD DS agents.

-ARSO SUPPORT: Post expects its two permanent ARSOs to arrive in mid-April and mid-June respectively. Post requests one TDY DS AGENT with prior ARSO experience to act in a TDY ARSO capacity for periods of 45-60 days beginning on April 1 until July 1.

-ADDITIONAL SUPPORT: Post requests one WAE TDYer to assist with LGF program development and assist with emergency planning, to include development of Post's Emergency Action Plan (EAP).

4. (SBU) FULL TIME STAFFING: Given the vast increase in the number of programs and personnel that RSO is required to manage as well as the fluid security environment in which those programs must be built, Post supports the proposed full time staffing for RSO Tripoli of 1 RSO, 1 Deputy RSO, and 4 Assistant RSOs. As Post expects continued operations in Benghazi through CY 2012 and Tripoli's tours of duty to remain at one year, the proposed permanent staffing would provide sufficient support during periods of RR/RRBs while also stabilizing support for operations in Benghazi.

5. (U) Embassy Tripoli is extremely grateful for the extraordinary support provided by DS as we transition to normalized security operations. Point of contact for this request is [redacted], RSO Tripoli, [redacted]@state.gov, 24hr VOIP/TOC - [redacted].

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Page 1 of 3

From:
Sent: 7/9/2012 9:15:05 AM
To: svcSMARTBTSPOP5
Subject: TRIPOLI – Request for extension of TDY security personnel
Attachments: Metadata.dat

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SBU

MRN:	12 TRIPOLI 690
Date/DTG:	Jul 09, 2012 / 091316Z JUL 12
From:	AMEMBASSY TRIPOLI
Action:	WASHDC, SECSTATE*ROUTINE*
E.O.:	13526
TAGS:	ASEC, AMGT, MARR, LY
Captions:	SENSITIVE
Reference:	A) 12 TRIPOLI 582 - INTERIOR MINISTER DISCUSSES BILATERAL RELATIONSHIP AND SECURITY CONCERNS B) 12 TRIPOLI 622 ? LIBYA'S FRAGILE SECURITY DETERIORATES C) 12 TRIPOLI 586 ? TRIPOLI - EAC - 06/20/2012 D) 12 TRIPOLI 37 ? TRIPOLI EAC E) 12 TRIPOLI 512 ? TRIPOLI EAC F) 12 TRIPOLI 39 ? TRIPOLI EAC G) 12 TRIPOLI 504 - MISSION LIBYA- UPDATED TRIPWIRES
Subject:	TRIPOLI – Request for extension of TDY security personnel

22

1. (SBU) Summary and Action Request: Embassy Tripoli requests continued TDY security support for an additional 60-days, through mid-September 2012. Post assesses a minimum of 13 TDY U.S. security personnel, either DS MSD, domestically assigned HT trained DS agents, DS SPS, or DOD/SST personnel or a combination of these personnel, are required to maintain current transportation security and incident response capability while we transition to a locally based security support structure. Post also requests continued TDY support of 2 DS agents until the RSO reaches a planned full-time staffing level of five (5) agents. These TDY security needs do not include MSD security personnel involved exclusively in training the local guard force (LGF) and LES close protection team/bodyguards. Post understands and appreciates ongoing efforts by DS to identify and deploy TDY resources to meet our security needs during the next 60-90 days. End summary and action request.

2. (SBU) Conditions in Libya have not met prior benchmarks established by Post, the Department, and AFRICOM, for a complete drawdown of TDY security personnel. Overall security conditions continue to be unpredictable, with large numbers of armed groups and individuals not under control of the central government, and frequent clashes in Tripoli and other major population centers. National parliamentary elections have been delayed from 6/19 to 7/7, with post expecting an increased likelihood of election related political violence during and after the election period.

3. (SBU) While post has made a number of procedural security enhancement and physical security upgrades, our

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efforts to normalize security operations have been hindered by the lack of host nation security support, either static or response, an increase in violence against foreign targets, and GoL delays in issuing firearms permits for our LES close protection/bodyguard unit. Despite field expedient physical security upgrades to improve both the temporary Embassy and Villas compound, neither compound meets OSPB standards. Recognizing the growing challenges to Libya's fragile security environment, the Department increased Post's danger pay allowance from 25 percent to 30 percent on July 1st.

4. (SBU) Under current arrangements, Post's thirty-four (34) U.S. security personnel (16 SST, 11 MSD, 1 WAE TDY, 1 RSO, 2 ARSOs, and 3 TDY ARSOs) will draw down to twenty-seven (27) security personnel on 7/13. On 08/05, post will reduce U.S. security personnel to 4 MSD trainers, 1 RSO, 2 ARSOs, and 3 TDY ARSOs), with a further reduction to seven U.S. security personnel on 08/13, which includes four (4) MSD trainers not generally supporting transportation security, VIP visits, or RSO programs.

5. (SBU) As the Regional Security Office seeks to transition from emergency to normalized security operations, the continued presence of TDY security personnel is essential to support our daily movement and the continuing high volume of senior-level visits, provide static security in the absence of an appropriate host nation security presence, and assist our Mobile Security Detachment (MSD) colleagues in the training of our newly hired LGF members and locally engaged bodyguard force. SST's deployment has been critical to our ability to navigate the transition to a more locally-based security team while continuing to support a high-volume of VIP visits and expand our U.S. Direct Hire (USDH) staff (reftels A-G). Post anticipates supporting operations in Benghazi with at least one permanently assigned RSO employee from Tripoli, however, would request continued TDY support to fill a minimum of 3 security positions in Benghazi.

6. (SBU) With the receipt of firearms permits for 11-members of Post's LES close protection team, RSO anticipates limited deployment of team members to support Ambassador, DCM, and QRF details. However, this deployment will continue to require U.S. security personnel support and leadership until the close protection team (CPT) is fully staffed with 24 members. A second group of 5 members of LES CPT members complete MSD led initial training on 7/18 and could be fully deployed once firearms permits have been received from the Ministry of Interior. Permits for the first 11 LES close protection team members took more than 2 months and required Ambassadorial intervention with the Minister of Interior. While post anticipates a quicker response with this next round of permits, recruitment efforts of qualified applicants for the remaining CPT positions remains slow. As of 7/5, Post has identified only 2 of the remaining 8 candidates for the 3rd and final MSD led training course for new LES CPT.

7. (SBU) RSO and Post continue to engage host nation and is in the process of constructing and refurbishing climate controlled guard booths at the temporary Embassy and Residential Villas compound as part of a plan to entice Ministry of Interior security support. Additionally, RSO has had initial discussions with Ministry of Interior police leadership, who expressed interest in signing a MOU for stipends to support a sustained presence of MoI officers at the aforementioned properties. However, despite assurances of support from throughout the MoI, to include from the Minister directly, the reality is that the GoL remains extremely limited in its ability to sustain a security support presence at USG compounds (REFTEL B).

8. (SBU) RSO and Post will continue to examine ways to augment the internal defense and static security profile at USG compounds in Libya, to include consideration of a partial arming of supervisory personnel in the LGF. Post anticipates that full implementation of armed supervisor LGF members could take up to 60 days for selection, training, equipping, policy approvals and deployment. Given the GoL's traditional sensitivities regarding armed security personnel, Post does not recommend deployment of either an armed LGF or CPT element without notification to and licensing from the GoL.

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9. (SBU) Post appreciates Department's support and guidance as we work to build up local capacity to address security requirements.

Signature: STEVENS

Drafted By:
Cleared By:
Approved By: EXEC:Stevens, John C
Released By:
Info: SECDEF WASHINGTON DC*ROUTINE* ; CDR USAFRICOM STUTTGART GE*ROUTINE* ;

Action Post:
Dissemination Rule: Archive Copy

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From:
Sent: 6/22/2012 3:57:15 AM
To: SMART Core
Subject: Tripoli - EAC - 06/20/2012

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MRN:	12 TRIPOLI 586
Date/DTG:	Jun 22, 2012 / 220756Z JUN 12
From:	AMEMBASSY TRIPOLI
Action:	WASHDC, SECSTATE*ROUTINE*
E.O.:	13526
TAGS:	ASEC, AMGT, CASC, LY
Captions:	SENSITIVE
Reference:	A) 12 TRIPOLI 37 B) 12 TRIPOLI 512 C) 12 TRIPOLI 39
Pass Line:	DEPT FOR DS/IP/NEA, NEA/EX, AND NEA/MAG
Subject:	Tripoli - EAC - 06/20/2012

1. (SBU) Summary: The Ambassador convened a June 20 meeting of Embassy Tripoli's core Emergency Action Committee (EAC). A/DCM, RSO, DAO, [redacted], DOD/SST and MSD attended. The EAC reviewed current threat information and operations at U.S. Mission Benghazi and recommended the redeployment of a temporary duty principal officer for a limited-term, one-week assignment. The RSO, [redacted], and EAC will continue to closely monitor the situation in Benghazi and make appropriate adjustments to security posture, particularly as the July 7 Libyan national elections grow closer. RSO will develop a staffing rotation schedule for permanently assigned RSO staff and DOD/SST to support Benghazi through mid-July. End Summary.

2. (SBU) The EAC reviewed details of the June 6 IED attack on the U.S. Mission in Benghazi, including a readout of the core EAC meeting held the same day and the measures taken by post to modify our security posture (12 TRIPOLI 37). RSO confirmed that TDY teams had completed necessary structural and security–related repairs at the facility. RSO [redacted] noted an absence of similar incidents since the RPG attack on the British Ambassador's vehicle in Benghazi on June 12. RSO confirmed that the U.K. had withdrawn staff from its office in Benghazi but planned to return to Benghazi at the end of June.

3. (SBU) Consulates of Italy, Sweden, Turkey, and Tunisia continue standard operations in Benghazi, although they have notified their personnel to be more vigilant. The EAC discussed the June 18 incident at the Tunisian consulate in Benghazi in which demonstrators attempted to storm the building as part of a protest against an art exhibit in Tunisia. The RSO advised that the UN and the ICRC remain active in Benghazi, although the UN has increased its alert level (Level 5) and implemented a curfew from 2200 to 0600. The EAC recommended mirroring the UN policy of no movements in Benghazi from 2200 to 0600 to avoid unnecessary risk exposure.

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4. (SBU) RSO [redacted] provided further details on the RPG attack against the British Ambassador on June 12 and the EAC discussed general threat details in Libya. The consensus of the EAC is a continuing presence of extremist groups and individuals in Libya, which warrant ongoing monitoring by the EAC.

5. (SBU) The EAC reviewed recent threat reporting that [redacted] was passed to RSO [redacted] on June 18. The EAC did not recommend any additional changes to the Mission's security posture, though the EAC is continuously reviewing its updated tripwires. The RSO reported the results of an Embassy-wide internal defense drill conducted on June 15 at the Embassy's residential villas compound. RSO and GSO will continue to coordinate and implement a daily shuttle schedule with varied times, routes, and departure points between the Embassy's residential compound and chancery building.

6. (SBU) The Ambassador discussed his June 19 meeting with the Libyan Minister of Interior (SEPTEL). During this meeting, the Ambassador reiterated our requests for Libyan static security at U.S. locations and for issuance of firearms permits to RSO's locally employed staff (LES) bodyguards. In response to the Ambassador's request, the Minister said that the MOI was undertaking its best efforts to protect diplomats and diplomatic property with limited resources. He replied that he understood the Ambassador's concerns for safety, especially in light of the recent attacks in Benghazi against the U.S. mission and the U.K. Ambassador. Regarding firearms permits for LES bodyguards, the Ambassador told the Minister that the U.S. Mission would only issue weapons to trusted and trained staff during duty hours. The Minister said he would authorize the permits and asked the Embassy to submit required paperwork and file it with the Deputy Interior Minister's International Cooperation Office. The RSO is following up on both issues at the appropriate working level.

7. (SBU) A follow-up EAC will be held on/about July 1 to reassess the overall local security and threat environment and discuss appropriate security measures in preparation for the Libyan election (now scheduled for July 7) and the Embassy's Independence Day reception. The next EAC will also review pending changes to SST and MSD staffing patterns (septels), and decide on steps forward to avoid reductions in security staffing.

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STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

INTERVIEW OF SECRETARY OF DEFENSE LEON PANETTA

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, JANUARY 8, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*
CHRIS DONESA, *Deputy Staff Director*
DANA CHIPMAN, *Chief Investigative Counsel*
CRAIG MISSAKIAN, *Deputy Chief Counsel*
MAC TOLAR, *Senior Counsel*
CARLTON DAVIS, *Investigator*
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KIM BETZ, *Member Outreach Liaison and Counsel*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
SHANNON GREEN, *Minority Counsel*
LINDA COHEN, *Minority Senior Professional Staff*
LAURA RAUCH, *Minority Senior Professional Staff*

FOR LEON PANETTA

HOWARD M. SHAPIRO
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FOR THE U.S. DEPARTMENT OF DEFENSE

BILL HUDSON
EDWARD RICHARDS

[redacted]

Mr. Chipman. Let's go on the record.

(U) For the first time in the history of the Select Committee on Benghazi, we are starting precisely on time, on target, Mr. Secretary.

(U) This is a transcribed interview of Leon Panetta, who served as the Secretary of Defense from July 2011 to February 2013, conducted by the House Select Committee on Benghazi.

(U) This interview is being conducted voluntarily as part of the committee's investigations into attacks on U.S. diplomatic facilities in Benghazi, Libya, in September of 2012 and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

(U) Sir, could you please state your full name for the record?

Mr. Panetta. (U) Leon Edward Panetta.

Mr. Chipman. (U) On behalf of the committee and Chairman Gowdy, we appreciate your time and willingness to come in and talk to us today.

(U) My name is Dana Chipman, and I am a counsel on the committee's staff. I would like to go around the room to ask everyone else in the room to introduce themselves as well.

Chairman Gowdy. (U) Trey Gowdy, South Carolina.

Mr. Jordan. (U) Jim Jordan.

Mr. Roskam. (U) Peter Roskam, Illinois.

Mr. Pompeo. (U) Mike Pompeo, Kansas.

Mr. Westmoreland. (U) Lynn Westmoreland, Georgia.

Mr. Hudson. (U) Bill Hudson from the Department of Defense Office of the General Counsel.

[redacted]

Mr. Richards. (U) Edward Richards, DOD Office of General Counsel.

Mr. Shapiro. (U) Howard Shapiro, Wilmer Cutler Pickering Hale and Dorr, for Mr. Panetta.

Mr. Davis. (U) Carlton Davis. I work for Chairman Gowdy.

Mr. Donesa. (U) I'm Chris Donesa with the committee staff.

Mr. Kiko. (U) Philip Kiko with the committee.

Ms. Betz. (U) Kim Betz with the committee.

Mr. Missakian. (U) Craig Missakian, majority staff.

Ms. Clarke. (U) Sheria Clarke, majority staff.

Mr. Kenny. (U) Peter Kenny, minority staff.

Ms. Sachsman Grooms. (U) Susanne Sachsman Grooms, minority staff.

Ms. Rauch. (U) I am Laura Rauch, minority staff.

Ms. Green. (U) Shannon Green with the minority staff.

Ms. Cohen. (U) Linda Cohen, minority staff.

Ms. Duckworth. (U) Tammy Duckworth.

Mr. Chipman. (U) I would like to go over some of the ground rules and explain how the interview will proceed.

(U) Generally, the way the questioning proceeds is that a member from the majority staff will ask questions first for up to an hour, and then the minority will have an opportunity to ask questions for an equal period of time if they so choose.

(U) And I note that we have been joined by Martha Roby.

(U) Questions may only be asked by a member of the committee or

[redacted]

a designated staff member. We will rotate back and forth, 1 hour per side, until we are out of questions, and the interview will then conclude.

(U) Unlike a testimony or a deposition in Federal court, in a transcribed interview the committee is not bound by the rules of evidence. You or your counsel may raise objections for privilege, subject to review by the chairman of the committee. If an objection cannot be resolved in the interview, you can be required to return for a deposition or a hearing.

(U) Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions.

(U//FOUO) This session will be conducted at the Top Secret/Sensitive Compartmented Information level.

(U) You are welcome to confer with counsel at any time throughout the interview, and if something needs to be clarified, we ask that you make this known. If you need to discuss anything with counsel, we will go off the record to stop the clock and provide you that opportunity.

(U) We will also take a break, sir, whenever convenient for you. This can be after every hour of questioning, after a couple of rounds, whatever you prefer.

(U) During a round of questioning, if you need anything -- a glass of water, use of the facilities, to confer with counsel -- please just let us know, and we will go off the record and stop the clock.

(U) As you can see, an official reporter is transcribing this interview, so we ask that you give verbal responses to all questions,

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[redacted]

"yes" and "no," as opposed to nodding your head. And I will ask the reporter to jump in if you do respond nonverbally. Do you understand that?

Mr. Panetta. (U) I do.

Mr. Chipman. (U) Also, I will try to not talk over you and ask that you try to do the same so that we can get a clear record.

(U) I would ask that you answer all questions in the most complete and truthful manner possible. We will take our time and repeat or clarify our questions if necessary. If you have questions or do not understand any of our questions, please let us know, and we will give it another try. And if you honestly don't know the answer to a question or do not remember, please indicate that as your response.

(U) Sir, do you understand that you have an obligation to answer questions from Congress truthfully?

Mr. Panetta. (U) I do.

Mr. Chipman. (U) This also applies to questions posed by congressional staff in an interview. Do you understand that?

Mr. Panetta. (U) I do.

Mr. Chipman. (U) Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand that?

Mr. Panetta. (U) I do.

Mr. Chipman. (U) Is there any reason you are unable to provide truthful answers to today's questions?

Mr. Panetta. (U) No reason.

[redacted]

[redacted]

Mr. Chipman. (U) Okay. That is the end of my preamble.

Does the minority have anything to add at this point?

Ms. Sachsman Grooms. (U) Just to thank you for coming in voluntarily today. I understand that this is not your first testimony before Congress on this topic, and we appreciate you coming.

Mr. Panetta. (U) Thank you.

Mr. Chipman. (U) The clock now reads 10:35, and we will get started with the first hour of questioning.

(U) And just for planning purposes, my understanding, sir, is that you would prefer not to take a lunch break if possible. And so then we will see how that proceeds, but if that is your choice, sir, we will try to accommodate that.

Mr. Panetta. (U) Great. Well, for me. Obviously, the committee can decide, but --

Chairman Gowdy. (U) We are going to go with whatever you want to do.

Mr. Panetta. -- (U) I would like to roll.

[Panetta exhibit No. 1

Was marked for identification.]

[Panetta exhibit No. 2

Was marked for identification.]

EXAMINATION

BY MR. CHIPMAN:

Q (U) Sir, what I would like to start with is by handing out an exhibit. And this is exhibit 1.

[redacted]

[redacted]

(U) And I note for the record that we have been joined by Congressman Adam Schiff.

(U) And, if I could, please hand out exhibit 2, as well.

(U) And, for the record, exhibit 1 is a statement, a memorandum, dated September 10, 2012, produced on 1/7/2016, "Readout of the President's Meeting with Senior Administration Officials on Our Preparedness and Security Posture on the Eleventh Anniversary of September 11th."

(U) Sir, do you recall meeting with the President and other national security principals on the day prior to the 9/11/2012 attacks in Benghazi or a conference call to that effect?

A (U) No. I remember participating in a call, because I went up to Pennsylvania, to the memorial up there, the 9/11 memorial, to participate in a ceremony there, and at the time that I landed there, [redacted] that I went into in order to participate in that discussion.

Q (U) Sir, so on the 10th of September -- no, it appears to be the 11th, so your recollection is spot-on. On the 11th, it appears that you were with other key national security principals, at least in this conference call. And do you recall who else was in that meeting, or in that conference call?

A (U) My recollection is that that conference call was on the 10th.

Q (U) On the 10th. Okay.

A (U) Yeah, it was the day before.

[redacted]

[redacted]

(U) And I can't remember all of the participants, but it seemed to me -- my best recollection is that there were members of the National Security Council that were participating. In particular, I think I remember the CIA Director, General Petraeus, was participating, along with, I believe, Jim Clapper, the Director of National Intelligence, was also on the call. And I believe Secretary Clinton may have been on the call, as well. But I don't have a clear memory of all the participants.

Q (U) Sir, I stand corrected. It was the 10th, as I noted initially. So, my error.

(U) There is a sentence in the statement that indicates, "During the briefing today, the President and the principals discussed specific measures we are taking in the homeland to prevent 9/11-related attacks, as well as the steps taken to protect U.S. persons in facilities abroad, as well as force protection."

(U) As a result of that conference call, did you direct any measures to be taken to protect U.S. persons and facilities abroad?

A (U) There was a discussion about, you know, a number of potential areas that we needed to be concerned about. Because there was concern that there was a video that was coming out that was kind of an anti-Muslim video, and there was concern that that video might inspire some potential demonstrations. And so the focus was on some areas. I think, again, the key areas that I recall is: a concern about Cairo, concern about Tripoli, concern about Tunis, concern about Khartoum, and Sana'a in Yemen.

[redacted]

[redacted]

(U) And, as a result of that, I talked with, you know, our people to make sure that, you know, we were aware of that indication of intelligence that was coming in and to have a heightened alert with regards to any intelligence that might indicate some kind of imminent attack.

Q (U) And, sir, did any aspect of a heightened alert also imply or require an adjustment to our current force posture or our security posture at the time?

A (U) It did not. You know, obviously, our forces and teams were there, and, you know, we rely on those teams to be able to respond when an incident takes place. And so we have a great deal of confidence in the ability of those teams to respond if they have to.

Q (U) Sir, so this was on September the 10th, and you were already then aware of the release or imminent release of this YouTube video, this offensive-to-Muslim video?

A (U) That's correct.

Q (U) And you mention specifically locations Cairo, Tripoli, Tunis, Khartoum. All of these locations, in particular, in North Africa caused concern?

A (U) Well, as you can imagine, as a result of the Arab Spring, there was a lot of concern about instability in that region. And, you know, I think there were literally hundreds of areas that were of concern and were talked about, not at that meeting, but -- as I recall, just the ones I mentioned were the ones that were basically focused on. But there was no question that this was a time when there was

[redacted]

[redacted]

heightened concern about events taking place in North Africa and the Middle East.

Q (U) And, as I recall, AFRICOM, Africa Command, as a combatant command, stood up roughly in the year 2007?

A (U) That's correct.

Q (U) And, at the time, even 5 years later, in 2012, there were no assigned forces on the continent of Africa?

A (U) Yeah, no, it was -- frankly when I became Secretary of Defense, you know, and met with my combatant commanders, on AFRICOM, my first question was, why the hell aren't you located in Africa? You know, you've got a command that has to deal with African issues. And the response I got back is that there had been efforts to try to locate headquarters in Africa, North Africa in particular, but that the countries of Africa were sensitive about not having that happen. And so, obviously, their headquarters were located elsewhere. And, you know, that always concerned me.

(U) But in line with that, the other issue was, you know, could we establish bases there? Because, obviously, you need bases in order to be able to respond to problems that are there. And, again, these African nations were very hesitant to provide the authority we needed in order to establish additional bases.

Q (U) Sir, I am, in part, inaccurate when I state there were no assigned forces, because certainly there was a --

A (U) That's correct.

Q (U) -- JTF Horn of Africa established in Djibouti, as I

[redacted]

[redacted]

recall, at the timeframe.

A (U) That's right.

Q (U) But at least out of the 2012, there were not the kinds of component forces -- Army, Air Force, maybe Marine -- located on the continent of Africa.

A (U) That's correct. I mean, as a result of that, frankly, it required that we had to largely use our bases in southern Europe -- Sigonella, Rota, Aviano -- to be able to respond to problems that would occur in Africa.

Q (U) And until Africa obtained forces allocated or assigned, was there, in fact, a sharing arrangement between European Command and Africa Command with respect to any contingencies that might occur in Africa, to your recollection?

A (U) I believe there was.

Q (U) Okay.

(U) In your time, have you become familiar with the Commander's In-extremis Force in your time as Secretary of Defense?

A (U) Yes, I did.

Q (U) And did Africa Command, as of September 11, 2012, have its own Commander's In-extremis Force?

A (U) No.

Q (U) And so if there were a situation requiring the use of that CIF, where would Africa Command obtain a CIF?

A (U) They would turn to the European Command, because they did have an In-extremis Force.

[redacted]

Q (U) And that CIF was located -- if you recall, was Stuttgart the location of that particular CIF?

A (U) I'm not sure.

Q (U) Sir, I would like to direct your attention to exhibit 2. And exhibit 2 is from the hearing in which you participated on February 7, 2013, before the Senate Armed Services Committee. And so I have indicated that in the cover page. Page 2 of that exhibit is the contents list.

(U) And then page 98 of that particular report, Appendix A, about midway down, there is a paragraph closer to the bottom that says, "In the months before the attack, hundreds of reports surfaced of possible threats to U.S. citizens and facilities across the globe. In the Middle East and North Africa on September 11, the official added, U.S. facilities in more than 16 countries were operating on a heightened force-protection level based on specific threats."

(U) Are those the threats that you talked about in that meeting on September 10 going across that array of threats?

A (U) That's correct.

Q (U) And as a result of that knowledge, again, that was discussed in that meeting on September 10, did the Chairman of the Joint Chiefs of Staff or any other uniformed military recommend any adjustments to our force posture in Europe or anywhere else?

A (U) I remember having a discussion with Marty Dempsey, who was Chairman of the Joint Chiefs, because we were both aware of the reports with regards to these areas of concern, and basically saying,

[redacted]

you know, I assume we're prepared to respond if we need to. And General Dempsey said, we've got our forces in place.

Q (U) Sir, as I recall, the Libyan revolution occurred with the ouster of Qadhafi toward the end of the summer of 2011. So, as of September 2012, a year later, how would you describe the security situation that presented in Libya, if you can recall?

A (U) Well, I actually visited Libya -- Tripoli -- during the time I was Secretary of Defense because they were in transition, obviously, after Qadhafi was taken down. And the concern was clearly that we wanted them to transition to a governmental structure that would provide some degree of stability in Libya.

(U) Of course, this is a country that doesn't have a history of dealing with the structures of any kind of democratic government, so they were going through the process of trying to do what they could to try to establish those elements. And they were having a difficult time because, you know, Libya is still a tribal country. A lot of these tribes, you know, have their own agenda.

(U) And so, even during the course of my meetings, there were concerns raised about the degree of stability that they would be able to provide. But they had a great deal of confidence that, ultimately, they would be able to take control and be able to provide for the security of the region.

(U) But the answer to your question is that, you know, they were still struggling with stability.

Q (U) Now, what was the timeframe, sir, if you can recall,

[redacted]

[redacted]

of your trip to Tripoli?

A (U) Boy. That's not one I nailed down. But it was before -- it was soon after, I think, the transition had taken place. And it was a stop that I wanted to make to be able to talk with them and talk with the Defense officials, that they had to determine what kind of assistance we could help provide them.

(U) And it was also -- I used that as an opportunity to visit a graveyard in Tripoli that includes the remains of the Marines going back to the Barbary Coast days when a Marine ship was taken down and our Marines were buried in Tripoli. And I wanted to make sure that I paid my respects to them.

Q (U) And, sir, as I recall, on this trip, you did not make a specific visit to Benghazi?

A (U) No.

Q (U) Were you aware of a U.S. Government presence in Benghazi even during your trip to Tripoli, that particular trip?

A (U) I was aware that, you know, we had some segments of the government located in Benghazi.

Q (U) Were you aware of a single facility or more than one facility in that timeframe?

A (U) I was not aware of the number of facilities. I knew we had a presence there.

Q (U) And were you aware of the agencies that may have constituted that presence, whether State Department, CIA, or any other U.S. Government agency?

[redacted]

[redacted]

A (U) Because of my old job, I knew that there was a CIA presence there.

[Panetta exhibit No. 3

Was marked for identification.]

[Panetta exhibit No. 4

Was marked for identification.]

Mr. Chipman. (U) And if I could pass out exhibit 3.

(U) And, for the record, exhibit 3 is an unclassified DOD timeline that is also part of the same Senate report which the committee has used in a number of interviews before.

(U) And then if I could also pass out exhibit 4.

(U) And I would like the record to note we have been joined by Congresswoman Susan Brooks.

Mrs. Brooks. (U) Hello, sir. Thank you.

Mr. Panetta. (U) How are you?

BY MR. CHIPMAN:

Q (U) So with respect to exhibit 4, for the record, what I have done is to try to make it in a larger font because I had difficulty reading the font that was on the original exhibit. But I have also added some events, and so I would like to ask a few questions juxtaposed with some additional events and decisions that were made during that relevant timeframe.

(U) And so, Mr. Secretary, what we have is -- and I will use all times -- Washington, D.C.'s times, since that is the center of the universe. I will use all times in Washington and not Benghazi, Libya,

[redacted]

[redacted]

nor Croatia, nor anywhere else that might have been involved -- Stuttgart, Germany.

(U) And so what we have is an attack that occurred or that started at 3:42 on the 11th of September.

(U) Sir, where are you located or what were you doing, if you can recall, when you first learned of the attack?

A (U) My best recollection is that I was in the Secretary's office at the Pentagon, probably preparing for the meeting that we have with the President. I had a regularly scheduled meeting with the President that General Dempsey and I usually attended to discuss defense and national security issues.

Q (U) So the unclassified timeline reflects that at 3:42 the attack at the Benghazi Temporary Mission Facility begins and at 4:32 the National Military Command Center at the Pentagon notifies the Office of the Secretary of Defense.

(???) Who would the NMCC have notified both at OSD and at the Joint Staff? Would that be your military assistant? Would that be --

A (U) Well, yeah, I was going to say I don't specifically recall who actually mentioned the events that were taking place in Benghazi, but chances are pretty good that General Kelly, who was my Marine military aide, that he and probably Jeremy Bash both might have mentioned it to me as I was leaving. But I think the stronger likelihood is it would have been General Kelly. But I can't tell you for sure.

Q (U) Marine General Kelly, John Kelly, was a three-star. He

[redacted]

[redacted]

was your military aide.

A (U) That's right.

Q (U) And Mr. Jeremy Bash was your chief of staff --

A (U) That's correct.

Q (U) -- as the Secretary?

A (U) That's correct.

Q (???) It appears that notice was given to you, or to the Office of the Secretary of Defense more precisely, by 4:32 that afternoon, but then, as you indicated, you were preparing or getting ready to depart for a regularly scheduled meeting with the President along with General Dempsey?

A (U) That's correct.

Q (U) And so, at 5:00 p.m. -- is that your recollection of the start of the meeting you had with President Obama?

A (U) Approximately. I think, at the time -- and, again, I'm doing this by best recollection. General Dempsey and I arrived at the White House, and I think we both kind of pulled aside into the National Security Council quarters there to see if there was any additional information that we could get with regards to what we were picking up about events in Benghazi. And we did not have -- I don't think we received any additional intelligence. But I wanted to make sure that we knew everything possible before meeting with the President. And then we proceeded upstairs to the Oval Office. And so the meeting approximately began about 5 o'clock.

Q (U) And prior to the beginning of that meeting with the

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[redacted]

President, had you had an opportunity to speak with General Ham, the combatant commander of Africa Command, or had you not heard anything from him as of that point?

A (U) I don't recall speaking with General Ham before that, going into that.

Q (U) Did General Dempsey indicate whether he had heard from General Ham that he relayed to you prior to you both journeying over to the White House?

A (U) I don't recall that.

Q (U) And so, when you began that meeting with the President, did you inform him of the incident in Benghazi that was ongoing?

A (U) As soon as we went into the Oval Office, took our seats on the couches that are next to the President's chair. And at the very beginning of that meeting, I mentioned to the President that we were picking up information about a potential attack that was taking place on our facilities in Benghazi and that we did not have information about the state of the situation and also the situation regarding our ambassador, that this was all very preliminary. We had just gotten these reports, but they clearly raised a concern.

Q (U) Was that news to the President? Had he heard this already before your arrival at the White House?

A (U) I don't believe so, but, you know, the head of the National Security Council, the National Security Director, Tom Donilon, I believe, participated in that meeting. He might have been given a heads-up, but I don't recall that.

[redacted]

Q (U) And during the course of that meeting with the President, the unclassified timeline indicates that the leaders discussed potential responses to the emerging situation. Can you recall what you were directed as a result of that meeting to do when you left that meeting and returned to the Pentagon?

A (U) The President made clear -- you know, again, these were all very preliminary reports about what was happening there. But the President made clear that we ought to use all of the resources at our disposal to try to make sure we did everything possible to try to save lives there.

Q (U) And did you or General Dempsey discuss with the President what resources might be available during the course of that meeting?

A (U) We did not go into particulars about what resources would or would not be deployed because, frankly, at that point, we had to get back to the Pentagon in order to determine what steps ought to be taken to try to respond to the situation.

Q (U) Yes, sir. So, to the best of your recollection, the specific direction that you took away from that meeting with the President was what?

A (U) To do everything possible to try to make sure that we tried to save the lives of those that were involved in the attack.

Q (U) Can you recall roughly what time you may have returned to the Pentagon after that meeting?

A (U) The meeting itself with the President perhaps lasted

[redacted]

about 15, 20 minutes, maybe a little longer, maybe a little less. But I remember immediately leaving the Oval Office, jumping into the vehicle, and heading right back to the Pentagon.

(U) And at the time I arrived back at the Pentagon, probably somewhere close to 6 o'clock, you know, if not before that, at that point immediately calling a meeting with General Dempsey, who was with me. Called them in. We added -- at that point realized General Ham, the AFRICOM commander, was not in Africa or in Europe but was there at the Pentagon, which was something I was not aware of, and asked General Ham to come in, as well.

(U) General Kelly was there. Admiral Winnefeld, who was the deputy to the Chairman, he also would come in and out as he was trying to get additional information. You know, I believe Jeremy Bash was also there.

(U) But my general approach to these things is to immediately have a meeting with the key principals that I could talk with to ask them, you know, get the best information. What is the situation? How do we respond? What steps can we take to make sure we are doing everything possible to respond to the situation?

(U) And, I mean, as a result of that meeting, you know, I ordered that, based on their recommendations, that we have our FAST teams, Marine FAST teams, respond, be prepared to -- you know, not only prepare to deploy but deploy into -- and be available to be able to go in. These are an elite force, as you probably know, of Marines who can quickly respond to those situations.

[redacted]

[redacted]

(U) So I directed that we get those FAST teams in place. [redacted]

(U) We also had an in-extremis team. This is a team whose principal responsibility is to respond to crises. And that team was in Europe. I think they were in exercises in the Balkans. And we told them to, again, move to an intermediate base -- and Sigonella would have been the base that they would have gone to -- in order to deploy, as well.

(U) And then the third team, because we were concerned about the state of the Ambassador at that point -- I mean, initially, the concern was that the Ambassador might well have been taken hostage at that point. I can't tell you we had information to that effect, but we just didn't know what was happening with the Ambassador. And so, because of that, we thought it might be very important to have a hostage rescue operation. [redacted]

(U) So those were the orders that I gave. And I had the authority to give those orders. And those orders were carried out.

Q (U) And, sir, you had mentioned with respect to the FAST team and the In-extremis Force, the CIF, in the Balkans that you had

[redacted]

[redacted]

ordered them both to prepare to deploy as well as to deploy. Did you also order the deployment of that force here in U.S. [redacted]

A (U) My orders were to deploy those forces, period. Obviously, they have to prepare to deploy --

Q (U) Yes, sir.

A (U) -- and, you know, get them ready. But it was very clear: They are to deploy.

Mr. Chipman. (U) Sir, I would like the record to reflect, as well, we have been joined by Ranking Member Cummings.

Mr. Panetta. (U) How are you?

BY MR. CHIPMAN:

Q (U) Sir, before coming back to the Pentagon for that meeting that you held with General Dempsey, Jeremy Bash, General Kelly, and Admiral Winnefeld, the meeting in the White House that you had with General Dempsey and the President, did Tom Donilon participate in that meeting, as well?

A (U) I believe he did. I believe he was there.

Q (U) Were there any other --

A (U) Again, I'm operating by recollection, but I'm sure that there was somebody from that --

Q (U) From the national security service? And do you recall --

A (U) And that would have been the case, by the way. When we had meetings with the President, there was usually somebody from

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the national security -- usually, the Vice President would participate, but I don't remember him participating in this meeting.

Q (U) And do you recall if there were any other principals at that meeting, whether the Director of Central Intelligence, the Director of National Intelligence, the Secretary of State?

A (U) No.

Q (U) Okay.

(U) So a meeting that occurred back at the Pentagon that resulted in a series of directives from you to prepare to deploy and deploy these various forces, can you recall the timeframe that that meeting took, that you met with Admiral Winnefeld, General Dempsey, General Kelly, Jeremy Bash?

Mr. Shapiro. (U) And General Ham.

Mr. Chipman. (U) And General Ham. Thank you.

Mr. Panetta. (U) I mean, we were meeting kind of on an ongoing basis, as you can imagine. I mean, I issued the orders with regards to those teams that ought to respond, but we continued to be there. And I think, you know, it was probably at least a couple hours where the principals were still kind of talking and continuing to talk to make sure that the steps that I had ordered were taking place and also, frankly, trying to get intelligence about what the hell was happening in Benghazi. I mean, it was very fragmented information about what was taking place there.

BY MR. CHIPMAN:

Q (U) And as best you can recall, in that timeframe between

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[redacted]

6 p.m. and 8 p.m. as that meeting occurred with the various individuals that you have already described, did you know then that the U.S. Ambassador to Libya was missing or unaccounted for?

A (U) Again, sketchy information, but the information was that the Ambassador had been located there but that they had no indication as to was happening with the Ambassador.

Q (U) When you were engaged in this discussion with the various military officers, with Jeremy Bash, were you discussing not only the situation in Benghazi, Libya, but what might be occurring across the broader region? Were you aware of the Cairo protest earlier that day?

A (U) Well, there was no question, as a result of what was happening in Benghazi, the concern was what could happen elsewhere. And we had some indication that events had taken place in Cairo. We were worried about Tripoli itself and what might happen in Tripoli because of what was happening in Benghazi. We were worried about Cairo. We were particularly worried about Sana'a, which, you know, had a lot of problems with instability, and we had a lot of forces, you know, a lot of concerns about that, as well. And Khartoum had some problems, as well.

(U) So we kind of talked through all of the -- you know, what was coming in from those others areas, as well. Because, again, if something else should happen, I wanted to make sure that we had the resources to be able to deploy to, you know, whatever crises might take place.

[redacted]

[Panetta exhibit No. 5

Was marked for identification.]

BY MR. CHIPMAN:

Q (U) And if I could pass out exhibit 5, please.

And I'd note for the record exhibit 5 is a document, STATE-SCB0060705, MOU. It's an email from Jeremy Bash to Jake Sullivan and others dated Tuesday, December 11, at 7:19 p.m.

(U) Sir, during your time as Secretary of Defense, were you a user of email?

A (U) No, and hell no.

(U) Actually, going back to when I was chief of staff to President Clinton, I made the decision not to use email at that time. I told people, if they wanted to talk to me, they came to my office and talked to me. And so I began that kind of approach going back to the time I was chief of staff, continued it when I was Director of the CIA and also as Secretary of Defense.

Q (U) So for purposes of --

A (U) So the answer is I did not use email.

Q (U) So for purposes of anyone who would wish to engage in email exchanges with the Secretary of Defense, would Jeremy Bash be the conduit for such emails?

A (U) He was my chief of staff both at the CIA and obviously at the Defense Department. And, you know, I always assumed that he was dealing with other staff using email.

Q (U) So you've already testified, sir, that you had this

[redacted]

meeting, an ongoing meeting, frankly, from 6 to 8 p.m. or thereabouts --

A (U) Approximately.

Q (U) -- that evening where you were discussing the range of options you could direct, as well as concerns about broader threats across the region in North Africa. And Jeremy Bash was a part of that meeting, as well?

A (U) I believe he was.

Q (U) This email -- the subject is "Libya" -- talks about -- it is an email from Mr. Bash to colleagues at the State Department. And it indicates that, "After consulting with General Dempsey" -- the chairman -- "General Ham" -- the Africa Commander -- "and the Joint Staff, we have identified the forces that could move to Benghazi."

(U) So, again, this was sent at 7:19 p.m. Would that be consistent with your recollection that you had already directed the prep to deploy and deployment of those forces?

A (U) I believe I had.

Q (U) And Mr. Bash further indicates, "They are spinning up as we speak." Do you have a recollection of what that term meant or what you would've taken from reading that?

A (U) No. I was not aware of the email, so you probably ought to ask him what he meant by that. But I would assume that he was speaking about the fact that I had directed those forces to go into place and to deploy.

Q (U) And so Mr. Bash further indicates two elements: the

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SOF element that was in Croatia, which could fly to Souda Bay, Crete; and a Marine FAST team out of Rota, Spain.

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A (U) That's correct.

Q (U) -- the U.S.?

A (U) That's correct.

Q (U) And then the email continues with the following sentence: "Assuming principals agree to deploy these elements" -- who are the principals that would've had to agree to deploy the elements that you had identified?

A (U) No one. I had the authority to deploy those forces. And I ordered those forces to be deployed. And I didn't have to ask anybody's permission to get those forces in place.

Q (U) Sir, that is my understanding, as well, that the national command authority consists of two people, the President and the Secretary of Defense.

A (U) That's right.

Q (U) And if you, as the Secretary of Defense, ordered the deployment of military assets, that is all it takes.

A (U) That's correct.

Q (U) And so, when Mr. Bash asks of State Department colleagues, "We will ask State to secure the approval from host nation," is that, again, from the nation to which we sought to deploy these

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forces, whether that be Crete or Greece or Sigonella, Italy? Or is this Libya? Or do you have any recollection of what that might have referred to?

A (U) I don't know what he was referring to, but when you deploy a Marine FAST team, particularly going into Tripoli or elsewhere, you can't just drop these guys into a country without getting the permission of that country.

Q (U) And so it is consistent with your expectation that State would have been asked to secure the approval from the host nation, whatever that host nation would have been.

A (U) I assume that would have been the case.

Q (U) And then when Mr. Bash asked that an official from State convey that approval back to Mr. Miller or Admiral Winnefeld -- Mr. Miller was the Under Secretary for Policy --

A (U) That's correct.

Q (U) -- under your tenure?

(U) Was that an action that was predicate to your decision to deploy those forces, or were the forces ordered to be deployed regardless of this action ongoing at State?

A (U) My directions were very clear; those forces were to be deployed, period. And, you know, just because of the timeline involved, you know, my whole approach was we need to move them and move them as fast as we can in order to try to respond. And as I am sure you're all aware, we're dealing with a lot of time and distance in order to make it happen. So I wanted no interference with those orders to

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get them deployed.

Q (U) And, from your perspective, sir, the action to secure diplomatic approval or country clearance could have been accomplished in parallel --

A (U) Yes.

Q (U) -- with the action to deploy --

A (U) That's exactly right. As far as I was concerned, those teams could be in the air and they could try to get whatever permission they needed.

Q (U) Sir, again, referring back to the unclassified DOD timeline, it is also reflected in the exhibit 4, the DOD timeline of key events, there is a phrase indicating that, "During this period, actions are verbally conveyed from the Pentagon to the affected combatant commands in order to expedite movement of forces upon receipt of formal authorization."

(U) And so, while you were meeting with the various general and flag officers and Mr. Bash, was there direction being conveyed to these commands verbally?

A (U) Absolutely. You can't wait for the bureaucracy to catch up with the formal authorization. I issued the orders, and those orders are -- my approach was: Move those forces as quickly as we can.

Q (U) And so those particular forces would not have had to wait for the formal authorization.

A (U) That's correct.

Q (U) They should have been taking reasonably prudent steps

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to --

A (U) Absolutely.

Q (U) -- assemble their kit, load an aircraft, and move out.

A (U) You got it.

Q (U) Okay.

(U) If I continue on that timeline, it appears that, at some point, General Ham was released from your meeting and, as of 8:02 that evening, gave guidance back to Africa Command to move the SOF force from Croatia to Souda Bay, Greece, and that, as a result of our interviews of that CIF commander, sir, of whom you would be very proud -- we interviewed this Special Forces major, who was everything you would want to see in a fine young officer, and you would be proud of him.

Ms. Sachsman Grooms. (U) And just to be clear, for the record, Dana, you're quoting from exhibit 4, which is a timeline you all put together, not the DOD's official timeline, which is exhibit 3?

Mr. Chipman. (U) That's correct. I'm quoting from exhibit 4.

BY MR. CHIPMAN:

Q (U) So, as of 8 p.m. east coast time, 8:02 p.m. to be precise, General Ham gave guidance back to Africa Command.

(U) And then the unclassified timeline reflects that at 8:30 the National Military Command Center conducted a Benghazi conference call. And, sir, if you can recall or if you know, what would be the purpose of that conference call?

A (U) You know, I was not, obviously, tracking all of the followup to my orders, but my assumption is this makes sense in the

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sense that you want to alert all of the commands to what was taking place and to make sure that all of the commands were prepared to take action if we should run into any other incident that could take place.

Q (U) And then there were orders issued, the formal orders, issued by the National Military Command Center at 8:39 p.m. and 8:53 p.m., respectively, reflected in the DOD unclassified official --

A (U) As you know, those are the -- somebody then types those orders out, in terms of a formal authorization. But, as I said, it was the oral directions that commenced the action for the task forces and the other units to move.

Q (U) And, sir, as I look back at the time sequence that occurred, so if I go back to page 1 of exhibit 4 or the unclassified timeline -- for me, it is easier for me to read exhibit 4 -- I look at an event that was known at least as of roughly 4:30 p.m., 4:32 p.m. to be precise. And your recollection is that somewhere between 6 o'clock that evening and 8 p.m. that evening you had already given the order to get these forces moving.

A (U_ That's correct.

Q (U) And as part of the sequence to get those forces moving, are you familiar with the use of the term "N-hour" or "notification hour"?

A (U) Yes.

Q (U) Who sets that notification hour, if you know?

A (U) I assume it's set through the military chain, but, you know -- I obviously knew there was a notice-plus time to prepare these

[redacted]

units, but, as to the specifics as to what that timeframe was, you know, it was not something, at least at that point, you know, that I was aware of.

(U) My point was these are elite units, and the purpose of those units is to move when I give the order to move. And that's what I expected.

Q (U) And, sir, as I look through this time sequence again, I look at roughly 4:30, the National Military Command Center is aware of the attack; at roughly 5 p.m. or shortly thereafter, the President is aware of the attack; roughly 6 p.m., somewhere between 6 and 7p.m. or 6 to 8 p.m., as the timeline reflects, you have already given the order to prep, deploy, and to move. And so it's still roughly 3 1/2 hours from notice of the attack to your decision to get them moving.

A (U) Right.

Q (U) And, in your experience and judgment, was that a reasonable timeframe to get these forces moving?

Mr. Shapiro. (U) I'm sorry. The 3 1/2 hours is to the outer end of that, to 8 o'clock, right?

Mr. Chipman. (U) The outer end.

BY MR. CHIPMAN:

Q (U) So, for purposes of the question, if it took all the way till 8 o'clock to get them moving -- although we know from the Jeremy Bash email that, as of 7:19 -- so somewhere short of 3 hours. Is that a reasonable timeframe to understand and work through the options?

A (U) Yeah, look, I believe it is. I mean, you know, it's

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a -- I think it's important to understand that when you face a crisis like this, first of all, you're operating with preliminary information. You don't know all the facts of what's taking place. We didn't have a great deal of intelligence about just specifically, you know, what was happening at Benghazi. So you have to take that into consideration.

(U) You've got to take into consideration the units that can quickly deploy, where they're located and where they go. And you've got to take into consideration that these are the right units to try to deal with the contingencies that they may have to confront once they're put on the ground.

(U) I think all of those factors need to be considered. But I have to tell you that, in this instance, we moved pretty quickly to try to get the units that we wanted deployed to move. And I would have to tell you that, in dealing with other crises similar to what we were dealing with, this is roughly the same kind of timeframe.

Q [redacted]

A (U) That makes sense.

Q (U) And my understanding, as well, from the same governing plan is that for that Commander's In-extremis Force, the one that was training in Croatia, [redacted]

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A (U) That's correct.

Q (U) Reflecting a slightly lesser priority, but still a very rapid timeframe.

(U) So then if I go further down on exhibit 4, what is reflected in message traffic that we've been able to review is that that notification hour was set at 11 p.m.

(U) And so the question I have for you, sir, is: You've made it very clear that your intent, your direction, is to get forces moving.

[redacted]

A (U) I'm not aware of that point that you've made here. As far as I was concerned, once I issued the orders, they were moving.

[Panetta exhibit No. 6
Was marked for identification.]

BY MR. CHIPMAN:

Q (U) And if we could pass out exhibit 6.

(U) Exhibit 6 is just an extract from the SASC hearing, sir. And I've only got three copies, so I would like to -- I didn't want to burn any more trees than necessary.

(U) Sir, as I review exhibit 6, again, the hearing conducted February 7 of 2013 before the Armed Services Committee, I tried to review and determine what in that sequence was different from what

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you've talked about this morning.

(U) And so, if I go to page 44, in the middle of the page, page 44, there's a question from Senator Graham. "My question is, did anybody leave any base anywhere to go to the aid of the people under attack in Benghazi, Libya, before the attack ended?" And Secretary Panetta responded, "No, because the attack ended before they could get off the ground."

A (U) Just to clarify the record, I was speaking specifically about the task forces that I had ordered to deploy. As you're aware, there was a security team that moved out of Tripoli on their own to be able to respond to what took place. I was not aware that that was taking place. But, clearly, there were some DOD personnel that were part of that team.

Q (U) Yes, sir. So the security personnel you were talking about were the people that were in Tripoli --

A (U) That's right.

Q (U) -- at the Embassy in Tripoli, two special operators that got on that flight --

A (U) That's right.

Q (U) -- from Tripoli down to Benghazi and performed to assist the mission.

A (U) Right.

Q (U) And, as well, just so the record's clear, DOD also directed a Predator, an armed drone, that was orbiting over Derna, Libya, to be transmitted to cover Benghazi. And do you recall that

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direction, as well?

A (U) Yeah, we had -- as you know, during the Libyan war, one of the things that we had deployed were UAVs to try to focus on targets for the NATO forces that were engaged in that operation. So we had some of those resources there, and I'm assuming that General Ham made use of those UAVs in order to get at least one of them over the target.

Q (U) And, Mr. Secretary, I'd like to take this opportunity to determine -- I know the members have a vote series that will be occurring shortly.

(U) And if you would like to ask questions during the remainder of this hour or if you would prefer to wait until the second hour.

Mr. Jordan. (U) How much time have we got?

Mr. Chipman. (U) We've got 10 minutes, sir, in this particular hour.

Chairman Gowdy. (U) I'll wait.

Mr. Jordan. (U) I've got a couple rounds.

Chairman Gowdy. (U) Go for it.

Mr. Jordan. (U) Okay.

(U) Thank you, Mr. Secretary, for being with us.

(U) Let's go back to the email from Mr. Bash. The email says, "We have identified the forces that could move to Benghazi. They include" -- and he mentions two. What other forces, again, were available?

Mr. Panetta. (U) Well, there were three that -- actually, four units that I had ordered. There were two FAST teams, Marine teams,

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to get them to deploy, one to Tripoli and one to Benghazi. The other was the In-extremis Force that was located in Europe, get them to go, as well. [redacted]

Mr. Jordan. (U) But when he says "they include" and what you just described, was there other things that could have been used but weren't, that you decided not to deploy? Fixed-wing, armed drone, other assets?

Mr. Panetta. (U) The ones I ordered were based on the recommendations of General Dempsey and the team I had in the office. And this is what they recommended, and that's what I ordered. We did not discuss other areas that we --

Mr. Jordan. (U) So FAST team, the Special Ops, and the CIF team.

Mr. Panetta. (U) That's correct.

Mr. Jordan. (U) And when did the first DOD asset -- or those three groups that you deployed, when did they first arrive in Libya? When did they first get there?

Mr. Panetta. (U) Well, we obviously, you know, ordered them to deploy. The FAST team was -- one was ordered, obviously, to respond to Benghazi, the other to go to Tripoli. Because the attack moved so fast and was concluded, we did get the FAST team into Tripoli, and that was the one unit that did hit the ground.

Mr. Jordan. (U) My question is, when you deployed -- you said three elements were deployed. I want to know when the first one -- when

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did each of those elements arrive in Libya, and when did they first arrive in Benghazi?

Mr. Panetta. (U) Well, the only team that I'm aware of that actually wound up on the ground is the FAST team, the Marine team, that went to Tripoli. The others never reached --

Mr. Jordan. (U) I'm just asking when they got to Tripoli. No one else got there, but the one team that got to Tripoli, when did they get there?

Mr. Panetta. (U) The FAST team arrived at about 2:56 p.m., according to the timeline there.

Mr. Jordan. (U) Okay.

(U) "Principals" -- Mr. Bash uses the plural, and your testimony, I believe, a little earlier was that should just have read "principal." It was solely your decision to deploy what you just walked us through.

Mr. Panetta. (U) That's correct.

Mr. Jordan. (U) Why did he use plural then?

Mr. Panetta. (U) You ought to ask him.

Mr. Jordan. (U) Well, I'm going to.

(U) That was solely your decision? You didn't need to circle back with the President and say --

Mr. Panetta. (U) No.

Mr. Jordan. (U) -- I am going to deploy this FAST team, this Special Operations team, this CIF team?

Mr. Panetta. (U) Nope.

Mr. Jordan. (U) Okay.

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(U) And when you said you gave the order to deploy, was that -- based on this email, which goes to 7:19, it was sometime after 7:19? Or would you say you had done this before? When did the order happen?

Mr. Panetta. (U) You know, I think it occurred before this. As I said, I'm not familiar with the email and the times here, but as soon as we got back to the Pentagon, we sat in my office and talked about, you know, what could we deploy as quickly as possible, try to get them on site to help save lives.

(U) And those were the task forces that I mentioned, were the ones identified. And as soon as they were identified, I said, let's go, let's get them in place. And I ordered that they be deployed.

Chairman Gowdy. (U) Can I ask one question?

Mr. Jordan. (U) Yes, sure.

Chairman Gowdy. (U) I just want to disagree with you for one second that it's a typo, that it meant to be "principal" instead of "principals," because there would be no need for him to assume, because had you already done it. So he could not possibly have been talking about you in the "assume principals agree to deploy," because you are the only principal and you had already said to do so.

Mr. Panetta. (U) That's correct. I had the -- that's my authority. I exercised that authority, and I gave the orders. And I didn't have to seek permission from anybody.

Chairman Gowdy. (U) So the fact that he may say he added an "S" on it doesn't fix it. The fact that he capitalized the "P" instead

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of made it lowercase doesn't fix it. And the fact that he assumed it, there was nothing to assume. You had already told him to do it.

Mr. Panetta. (U) I had told our military people to do it. That's what counts.

Mr. Jordan. (U) Do you know what time that was then?

Mr. Panetta. (U) It would have been, you know --

Mr. Jordan. (U) 7:19?

Mr. Panetta. (U) It would have been, you know, soon after we got back to the Pentagon, because I knew we were dealing with something that was urgent and I wanted to get our forces in place as soon as we could.

Mr. Jordan. (U) Did you communicate --

Mr. Panetta. (U) So I'd say certainly within the hour I gave the orders.

Mr. Jordan. (U) Did you communicate with the President any further that evening?

Mr. Panetta. (U) I did not.

Mr. Jordan. (U) Okay.

(U) I've got some stuff that will take longer, Mr. Chairman.

Mr. Westmoreland. (U) I've just got one quick followup to what --

Mr. Chipman. (U) Yes, sir.

Mr. Westmoreland. (U) Mr. Secretary, when Mr. Bash sent this, as Mr. Gowdy pointed out, you had already given him this order. Had you already talked to the State Department about getting permission from some of these host countries about getting these assets rolling

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and deployed? Wouldn't that have --

Mr. Panetta. (U) No. Frankly, I was not worried about that. My point --

Mr. Westmoreland. (U) You were going to do it without the host.

Mr. Panetta. (U) We were going to get our forces there. Particularly in Benghazi, if we had to go in and rescue, we would do that.

(U) But, you know, I assumed that, you know, when you give the orders to deploy these forces, obviously, that then, you know, whatever steps have to be taken in order to make it happen are going to take place. You know, that is my view, as Secretary, is: I issued the orders. I want those units in place. Do whatever the hell you have to do in order to make it happen.

Mr. Westmoreland. (U) Okay. And so whose job would it have been to contact the State Department to make arrangements to arm assets or --

Mr. Panetta. (U) I don't know.

Mr. Westmoreland. (U) You don't know?

Mr. Panetta. (U) Well, I mean, you know, I just assume that is done through the military chain of command.

Mr. Chipman. (U) Ms. Brooks?

Mrs. Brooks. (U) Just a couple questions.

(U) Had you been Secretary of Defense approximately 14, 15 months by this point in time. Had you ever been in this situation before, as Secretary of Defense?

Mr. Panetta. (U) Well, we had been in situations where we had

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to do hostage rescue operations, you know, somewhat similar to what we were dealing with here, although there was a little more time involved, because the question there is making sure you have a location of the hostage and then what units have to be deployed in order to make it happen.

(U) So I had been through the decisionmaking process with regards to other events, as well.

Mrs. Brooks. (U) With regard to hostage, but would that have involved a FAST team and these FAST teams we are talking about?

Mr. Panetta. (U) Oh, yes. Special Operations teams.

Mrs. Brooks. (U) Okay.

(U) Going back to something you said earlier, when you went to Libya and visited Libya -- and you indicated were you aware of a CIA presence -- were you aware of a State Department presence in Benghazi?

Mr. Panetta. (U) I can't tell you I specifically knew, you know, what the State Department did or did not have in Benghazi, but because of operations that we had conducted in my prior job, I knew there was a presence of CIA in Benghazi.

Mrs. Brooks. (U) Do you have any recollection, between that visit and the attack in September of 2012, when you became aware that there was a State Department presence in Benghazi? Or is it possible that that was the first time?

Mr. Panetta. (U) Not until the event.

Mrs. Brooks. (U) Okay.

Mr. Panetta. (U) Yeah.

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[redacted]

Mrs. Brooks. (U) So at the event is when you became aware we had a State Department presence.

Mr. Panetta. (U) Yeah, I didn't -- you know, I was not aware that there was a separate consulate in Benghazi, to be frank.

Mrs. Brooks. (U) And, on that evening, when were you made aware that the DOD personnel had left Tripoli to assist? So you've indicated that --

Mr. Panetta. (U) I didn't find that out till the next morning.

Mrs. Brooks. (U) Okay. And how did you find that out?

Mr. Panetta. (U) I think as we were reviewing events that had taken place. By that time, we knew what had happened with the Ambassador and the others. And it was at that time that they mentioned that there was a team that had left on their own volition and gone to the event.

Mrs. Brooks. (U) So no one that evening that you were discussing --

Mr. Panetta. (U) No.

Mrs. Brooks. (U) -- your assets -- and so no one told that there were DOD personnel in Tripoli.

Mr. Panetta. (U) That's correct. Well, that there were DOD personnel that had been deployed on their own volition to Benghazi. I didn't find that out till the next day.

Mrs. Brooks. (U) And then, that night, as with respect to after you gave the order to deploy sometime between 6 and 8, and more probably before 7:19, and it obviously appears surprising to you to learn about

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the -- and now we're at 11 o'clock and so forth. After you gave the order to deploy, why did you not check to see what was happening and what was moving?

Mr. Panetta. (U) I did. And, I mean, I continued to talk with General Dempsey and with Admiral Winnefeld and, obviously, General Kelly, my military aide, and continued to ask, "Give me updates," to make sure these people are on the move and ready to deploy. And, you know, they indicated things were moving.

Mrs. Brooks. (U) And so is that as specific as they were? "Things are moving"?

Mr. Panetta. (U) Yeah, I mean, my whole point as Secretary was to make sure that the units that I had ordered were moving. And I didn't go into, you know, particulars about the number of people, you know, et cetera. But I said, I want to make sure that they are moving and that we are getting them deployed as soon as possible.

Mrs. Brooks. (U) Did they raise any obstacles with you as to any challenges they were having --

Mr. Panetta. (U) No.

Mrs. Brooks. (U) -- in moving?

Mr. Panetta. (U) No. No. You know, the problem is, as always, is that, you know, you've got these elite units; obviously, they're located in places -- I'm aware of the fact, having been both in the military and as Secretary, that, you know, it's not like they're wearing their backpack and ready to jump on a plane. They've got to prepare, they've got to get their backpacks ready, they've got to get all of

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their equipment ready. So there's a period of preparedness that is involved.

(U) But the bottom line is they're operating on a fast time track and they've got to move as quickly as they can. And that was my point.

Mrs. Brooks. (U) Thank you.

Mr. Jordan. (U) Mr. Secretary, did you know it was going to take 23 hours to get the first assets in country?

Mr. Panetta. (U) No.

Mr. Jordan. (U) So what did you expect it was going to take?

Mr. Panetta. (U) I knew it was going to take some time, just because of the preparedness for the units and then the time and distance involved. You know, you've heard the term "tyranny of time and distance," and it's tough in this area.

Mr. Jordan. (U) And did you --

Mr. Panetta. (U) But I didn't -- and I assumed these units moved as quickly as possible and that, you know, we can get them in place as quickly as possible, recognizing that there is a time element that's involved. And, you know, I understand the time element involved here just because of the nature of moving the military.

(U) I mean, as Secretary, I used to sit down with deployment orders all the time of units. And you go through a whole series of discussions about, you know, units that have to be deployed. And, normally, the timeframe to get these units deployed -- it takes time. It takes time to put them on a plane. It takes time for them to locate. I understand that.

[redacted]

(U) But when you're dealing with the kind of elite units we're talking about here, my expectation is that they move as fast as they can.

Mr. Jordan. (U) So you knew it took time. You didn't realize it was going to be 23 hours. Did you convey that to anyone else in our government -- White House, Department of State -- that it's going to take a while to get people there and we may never get them actually to Benghazi? Because the facts are we never did get people to Benghazi; we only got them to Tripoli. Did you convey that to anyone else in our government?

Mr. Panetta. (U) I assumed that, you know, obviously, there were continuing contacts between the staffs as to what was taking place, and I think everybody understood that there's a timeframe involved here in order to get these units in place. But the bottom line was that, you know, this attack moved pretty fast, and it was --

Mr. Jordan. (U) Let me ask one --

Mr. Panetta. (U) -- going to be tough to get them there under any circumstance.

Mr. Jordan. (U) Did you specifically talk with Secretary Clinton and say -- well, first of all, did you talk with Secretary Clinton that night?

Mr. Panetta. (U) I did not.

Mr. Jordan. (U) Did you talk with anyone at the State Department and say, it's going to take some time to get folks there?

Mr. Panetta. (U) I did not.

[redacted]

Chairman Gowdy. (U) We're out of time. I just want to make sure this portion of the record is fair to you and that your testimony has the clarity that I think it has, but I'm going to give you an opportunity if I'm wrong.

(U) You did not issue an order to prepare to deploy. You issued an order to deploy.

Mr. Panetta. (U) That's correct.

Mr. Jordan. (U) So no one would have been waiting on you to issue a subsequent order.

Mr. Panetta. (U) That's correct.

Mr. Jordan. (U) You were clear the first time.

Mr. Panetta. (U) Absolutely.

Chairman Gowdy. (U) All right.

Mr. Chipman. (U) Off the record.

[Recess.]

[redacted]

[redacted]

[11:57 a.m.]

Ms. Sachsman Grooms. (U) Let's go back on the record. I'm going to reintroduce myself. My name is Susanne Sachsman Grooms. I'm a staffer on the minority side. Representative Schiff is here, and before votes, I think he had some questions he wanted to cover.

Mr. Panetta. (U) Sure.

Mr. Schiff. (U) Thank you, Mr. Secretary, for being here and for your service to our country. Wonderful to see you again. I just have a few questions, and we have votes and I will have to come back.

(U) The House Armed Services Committee did an investigation into Benghazi. It was a Republican chairman-led investigation some time ago, and the conclusion of their investigation was that the Defense Department acted appropriately, did its best to move assets into the region as quickly as possible, but the tyranny of time and distance precluded them from being there in time to save the Ambassador.

Do you concur with that conclusion, or do you take issue with it?

Mr. Panetta. (U) No, I mean, as a matter of fact, the committees that did look at this on a bipartisan basis, and looked at, you know, the actions of the Department of Defense, all came to the same conclusion that Buck McKeon came to as chairman, that we had done everything possible to try to respond to the situation, and they found that just because of the time and distance and the speed of the attack that we simply could not have gotten there on time.

Mr. Schiff. (U) And Mr. Secretary, I know you did everything possible to move personnel to the region in a timely way. Have you

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[redacted]

ever come across any indication that any of your staff or anyone else at the Defense Department had any less imperative to move quickly to rescue our people?

Mr. Panetta. (U) No, not at all. You know, there's a -- there's a fundamental principle that people at DOD, particularly in the military, act by, which is you leave no one behind. And my experience is that, you know, when there are people whose lives are in jeopardy, military moves as quickly as they can to try to help people, and that was -- those were my orders, and I was very confident that the military would fulfill those orders because that's what they do. And that's what they care about are the lives of these people.

Mr. Schiff. (U) And in addition to the time it takes up to gear up and mobilize these resources, it also takes time in the wake of an attack to figure out what the facts are on the ground so that you're not rushing into a situation where you either can't be of assistance, or you can get your additional people killed. Is that accurate?

Mr. Panetta. (U) Absolutely. I mean, I -- military leadership will always tell you that, you know, you've got to have the best intelligence, the best information possible about a situation in order to be able to respond in a way that doesn't cost more lives.

Mr. Schiff. (U) There has been a persistent myth as you probably are aware that someone ordered the military assets to stand down and not go to rescue the people in Benghazi. Are you aware of any evidence that anyone ordered these military assets to stand down that you had ordered to deploy?

[redacted]

[redacted]

Mr. Panetta. (U) Not at all. I was -- first of all, I would never have allowed that to happen. But secondly, I was not aware of anyone contradicting the orders to get these units deployed as quickly as possible.

Mr. Schiff. (U) So when my colleagues were asking you about the Jeremy Bash email, I think the implication is that some other principal ordered a standdown, notwithstanding your order to deploy. Are you aware of anyone doing that?

Mr. Panetta. (U) I am not.

Mr. Schiff. (U) Did anyone in the Defense Department, Mr. Bash, or anyone else, ever come to you and say, Mr. Secretary, they are ignoring your order to deploy?

Mr. Panetta. (U) No. Not at all. On the contrary. They were assuring me that the forces were moving into place.

Mr. Schiff. (U) There has been a similar urban myth surrounding the efforts by those at the Annex to rescue those at the diplomatic facility. That is, that the people at the Annex were ordered to stand down and not come to the assistance of those at the diplomatic facility. The Republican lead and bipartisan House Intelligence Committee debunked that myth, General Petraeus came in again yesterday and debunked that myth.

(U) Are you aware of any evidence from your involvement in this that there was any standdown order of those at the temporary -- at the Annex CIA facility to come to the rescue of those at the diplomatic facility?

[redacted]

[redacted]

Mr. Panetta. (U) No, not at all.

Mr. Schiff. (U) Mr. Secretary, I apologize I have to break up my questions. I have got to go.

Mr. Panetta. (U) I understand having been there.

Mr. Schiff. (U) We got a speech from the Speaker yesterday saying that he intends to enforce the time limits.

Mr. Panetta. (U) Oh, no kidding.

Mr. Schiff. (U) He will not be the first Speaker to try. He will be the first to succeed if he does.

Mr. Panetta. (U) Yeah, but I'm sure he will look at the bottom line before he makes that decision.

Mr. Schiff. (U) I will see you later. Thank you.

EXAMINATION

BY MS. SACHSMAN GROOMS:

Q (U) I want to talk a little bit about the different forces that we were talking about in the last round. You said you weren't aware that the team from Tripoli, which was a DOD-led team, had moved to Benghazi in order to provide support and help save lives until the day after, and that they had left on their own. [redacted]

A (U) I don't know the particulars in the chain of command, you know, how it works there. But that team was not under my direction, or my authority at that point.

[redacted]

Q (U) Okay. Do you have any reason to believe that they were not working with their chain of command to go to Benghazi?

A (U) No, I have no evidence that they didn't follow their chain of command.

Q (U) And is that what you would have expected to happen if you had DOD forces under another chain of command within Tripoli, for them to work with that chain of command to move to the sound of the guns and try and save American lives as quickly as possible?

A (U) That's correct.

Q (U) That group ended up getting to the Annex before the mortar attack?

A (U) Uh-huh.

Q (U) And some of the larger groups, not the DOD specifically, but larger group members were casualties in that attack. Is that accurate?

A (U) That's correct.

Q (U) How important do you think that DOD-led Tripoli group was in saving lives in Benghazi?

A (U) Well, there's no question in my mind that they took the initiative. They got a flight to go there and that their ability to get on the ground and help provide additional support, take care of the wounded, saved lives.

Q (U) So you discussed the different forces that you ordered to deploy that night, and I believe you said in the last round that was the recommendation of the senior military leaders that were with

[redacted]

you. That would be General Dempsey?

A (U) That's correct.

Q (U) And General Ham was in the room also?

A (U) Yes.

Q [redacted]

[redacted]

A (U) That's correct.

Q (U) And General Dempsey and General Ham were in the room when you gave the order to deploy the forces?

A (U) That's correct. I mean, they -- we make the recommendation. I mean, what -- they are saying, okay, what do we have? They made the recommendation as to what teams we ought to deploy, and my direction to them was, do it. Let's go. Let's move these teams.

Q (U) Would they have had any, or do you have any reason to

[redacted]

believe that they had confusion about what your orders were?

A (U) No. These people don't get confused easily.

Q (U) And then would it be your expectation that then they would work within their -- their chain of command to ensure that your orders were enforced?

A (U) Yeah, that's -- I mean, you know, I had a -- I have and I continue to have a high level of confidence that when you direct that a mission be accomplished, that they understand that the mission and understand what they have to do in order to get it done. And they, then, work it through their people and their systems in order to make sure that they get whatever they need to do to get -- in order to get it done. I don't kind of follow all of that. I just say, do it. Take the hill. They take the hill.

Q (U) And their process for taking the hill wouldn't have been to use your staff or Jeremy Bash. Is that right?

A (U) That's correct.

Q (U) So their process for taking the hill would have been to leave that room and start those forces moving. Right?

A (U) That's right. That's right.

Q (U) So Jeremy Bash, who was your chief of staff, would have been, is it fair to say, merely informing other people about what was already being ordered to move forward by those generals?

A (U) That's correct. He -- I mean, he was not in the chain of command in terms of, you know, moving those units. And you know, what happens having been Chief of Staff to the President, is that, you

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[redacted]

know, once a decision is made, then there is usually a lot of staff communication that goes on between, you know, staff at DOD, the White House, State Department, others that may or may not be involved. But there's usually staff communication that goes on, so you know this is what's going on. This is what's happening. What do you know; what don't you know. And they try to keep their principals informed as a result of those communications, and I think Jeremy, as my chief of staff, would have been the person to basically do liaison with these other groups.

Q (U) So would -- and I have no reason to believe that Jeremy Bash was confused about what your orders were, but if he had been confused about what your orders were, or if he had miscommunicated that in some way, would that have stopped General Dempsey and General Ham from moving forward with your orders?

A (U) No, not at all.

Q (U) So regardless of what Mr. Bash, sort of, was communicating to other individuals, your orders were being followed?

A (U) That's correct.

Q (U) So I'm going to show you a couple of excerpts from the testimony that you did alongside General Dempsey --

A (U) Dempsey.

Q (U) -- in front of the Senate. I don't know if they are the same excerpts you already got passed out, so we are just going to pass out a new one and mark it exhibit 7.

[Panetta exhibit No. 7

[redacted]

[redacted]

Was marked for identification.]

BY MS. SACHSMAN GROOMS:

Q (U) And I will just tell you what page I'm going to. I just had them put them all in a packet. During the Senate hearing, which was on February 7, 2013, where you and General Dempsey testified about the forces that you ordered to move on the night of the attacks, General Dempsey explained, and I'm going to quote from page 59, which is the second to last page in the packet you have, middle of the page. He said, because I think some of the same confusion that's been going on in this room here today was happening during that hearing. He said, and I quote, "I want to make just one comment related to your chronology because I think it's important. Once we started moving forces, nothing stopped us. Nothing slowed us. The only adaptation we thought about making was for a period of time we thought we were going to be entering a hostage rescue because we didn't know where the Ambassador was, but once we started forces moving they didn't slow. They didn't stop."

(U) Do you agree with General Dempsey that once the forces were moving, they never slowed or never stopped?

A (U) That's correct.

Q (U) There are also questions about whether there was any delay to the military response while waiting for country clearance. Congress has interviewed a number of different people, including the Defense attache who was a senior Defense official on the ground in Libya on the night of the attacks, and he told us, and this would have been something he said back in January of 2014 before the Select Committee

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existed in a transcribed interview, that the Libyan Government had approved the flights and that he had communicated that fact to the Deputy Chief of Mission in Tripoli. And he said, and I quote, "We had a green light from the government of Libya to bring it in. It was just a question of when we're going to know the specific information that goes into a standard flight permits request."

(U) So that did happen, as you've said, in parallel and it got approved. But during your hearing with General Dempsey, General Dempsey stated, and I'm going to reference you to page 71, which is the last page of your packet at the bottom, he stated that even if they had not received country clearance, he would have acted, which is somewhat similar to what I think you had said earlier today. He stated, and I quote, "I want to assure you, had we been able to, there has been a whole bunch of speculation about we were risk averse, we needed the country's permission to come in. If we had been able to get there with anything, we'd have gone in there under a command of the Commander of U.S. Africa Command."

(U) Does that statement from General Dempsey depict the sentiment throughout the Department of Defense on the night of the attacks that you all were passionate and determined to get whatever resources you could to Libya that night to protect and save lives?

A (U) That's correct. When it comes to saving lives, we are not going to let anything stop us to be able to do the job of trying to protect Americans.

Q (U) So while there is discussion about, and properly so,

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discussion about getting the country clearance and getting it in parallel, getting the country clearance would not have been a delay to the activities that you were doing that night of the attacks?

A (U) That's correct.

Q (U) Was protecting American lives the top priority for you and everyone you worked at that night?

A (U) Absolutely, absolutely, absolutely. And you know, as I said, there's a fundamental principle that those in the military really treat as one of their most important callings, which is, you leave nobody behind. And when it comes to lives, American lives, they will do whatever is necessary to try to protect those lives.

Q (U) Did you have any sense that the people in the military that you worked with would have slowed down or taken their time at any point in that evening?

A (U) Absolutely not.

Q (U) And was that your feeling for the others that you spoke with within the interagency --

A (U) Yes.

Q (U) -- that they were committed to saving American lives?

A (U) They all understood the importance of trying to do everything they could to try to protect the lives that were there.

Q (U) A lot of the questions and theories over the many years that we have been investigating Benghazi were that forces weren't sent to Benghazi on the night of the attacks, and they seemed to imply that you or that other officials within the military or the interagency had

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resources at your disposal that you chose not to send. I want to give you an opportunity to respond to that.

A (U) Well, my direction at the time meeting with my military command and the chairman, and General Ham, and the others that were there, was what are the immediate resources we can deploy in order to try to save these lives and do what we can? And they are the ones that made the recommendation of the teams that I then ordered to be in place. And there was no -- there was no other, you know, question about, oh, there's some other group or there's something else we could do, or there's something closer, or something like that. These were the ones that we had the ability to deploy quickly whose job it would be to be able to go in and try to help save lives. And there was no other units, or equipment, or you know, operations that were even discussed as an alternative. We focused on the task forces. We focused on these units and those were the ones that were ordered to go into place.

Q (U) And can you describe the impact that this sort of constantly questioning of whether the military really wanted to respond and the politicization of the response in Benghazi has on the morale in the military, and how it affects individuals there?

A (U) I, you know, I don't -- I don't understand it. Having been responsible for the deployment of our men and women in uniform into war, into battle, these are the very best people we have who are prepared to put their lives on the line in order to defend this country. And when they are ordered to do so, they follow those orders. And to even question that someone might say, you know, maybe we shouldn't go,

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or maybe we shouldn't do this, I think shows a lack of understanding of the fundamental principles that these people operate by. They operate by the principle that you do your job, and you do it as quickly as you can in order to do what's necessary to protect this country and protect American lives. And I don't think -- I don't think it's a good thing to send a message to the world that we are any different in terms of our approach.

Q (U) And is it your understanding that your staff and the National Military Command Center was in continual communications with the national security staff and the White House on the night of the attack?

A (U) I'm sorry, say that again.

Q (U) I'm sorry. Is it your understanding that your staff at DOD, the National Military Command Center, that they were all in continual communications with the staff at the White House, the national security staff, and others?

A (U) That was my understanding. I mean, I knew that the White House was being kept informed of what steps we were taking.

Q (U) And was it your sense that your staff and your military generals were doing everything in their power to respond to the situation in Libya?

A (U) Absolutely, absolutely.

Q (U) Was it also your sense that the personnel from across the interagency were doing everything they could to assist in the crisis?

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A (U) Yes.

Q (U) And I know we have covered this already and we will keep covering it throughout the day, I think. Did the Secretary of State ever tell you to stand down or slow the Department of Defense response?

A (U) Not at all. You know, that's a -- that's a big word, "stand down." And let me tell you, not only did I never hear that word mentioned, but if somebody had said that, I think, you know, it would not have interfered with my orders to proceed.

Q (U) And I know now we are in total hypothetical, but since that obviously didn't occur, but would there be any circumstance in which you would have thought the Secretary of State would have wanted you to slow down the response to save American lives on the night of the attack?

A (U) No, not at all. As a matter of fact, the only person that could contradict my orders would be the President of the United States.

Q (U) Did the President ever tell you to stand down or slow down the military's response?

A (U) No, absolutely not.

Q (U) Okay, I want to draw your attention back to the time period before the attacks in Benghazi, and you discussed this a little bit in the previous round. In the days before the attack, were you aware of any specific intelligence or warning that there would be an attack in Benghazi on or around the 9/11 anniversary?

A (U) No, that was, obviously, the lack of having intelligence

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about an imminent attack is very critical here because if we had gotten intelligence of an imminent attack, we would have obviously responded to that. But in the absence of that kind of intelligence, that kind of report, obviously, you're treating all of the areas that we discussed as kind of priority areas to keep your attention, because I then had to be responsible, obviously, to be able to respond to any crisis in any of those areas. But you know, when you don't have intelligence that tells you an attack is going to take place, it makes it that much more difficult to be able to respond.

Q (U) And as you discussed in the previous round and as you discussed in your book, "Worthy Fights," which perhaps this transcript will be a good advertisement for --

Mr. Shapiro. (U) He can only hope.

BY MS. SACHSMAN GROOMS:

Q (U) -- you and other senior national security leaders were concerned about the potential for violence in the days before the attacks. You were concerned about potential for violence against Americans overseas due to the movie, the "Innocence of Muslims" and I'm just going to quote from your book on page 427, 428, and I can give you an excerpt if you want. Quote, "We were already tracking an inflammatory anti-Muslim video that was circulating on the Internet and inciting anger across the Middle East against the United States. Even though the U.S. Government had nothing to do with it, we braced for demonstrations in Cairo and elsewhere across the region, and General Allen was especially concerned that it might lead to violence

[redacted]

against our forces in Afghanistan. Press reports indicated that the Pastor Terry Jones, who had previously created a stir by threatening to publicly burn a Koran, was connected to the video.

(U) Several senior officials from around the government requested that Chairman Dempsey personally call Jones and ask him to disavow the video. If Dempsey's request failed, I was going to call him next. Dempsey placed the call, but was only able to leave a message," end quote.

(U) When you say in that quote, "We braced for demonstrations in Cairo and elsewhere around the region," who was the "we" you were referring to?

A (U) Well, clearly, the Department of Defense was aware of, obviously, these hot spots that people were concerned about. And I think my responsibility as Secretary was to make sure that we, the Department of Defense, were in a position to be able to respond, if necessary.

Q (U) And you also said that General Allen had specific concerns about the film leading to violence against U.S. forces in Afghanistan?

A (U) Yeah. Yeah.

Q (U) Can you explain how he voiced those concerns?

A (U) General Allen was, at that point, commander of our forces in Afghanistan. And there had been, you know, every time there had been incidents like the Koran burning, there was, as I recall, there was an instance where the military had, for some reason, burned some

Korans. And that immediately, you know, created a firestorm in Afghanistan. So because of that history, these kind of intimidating events that can suddenly create disruption, I think General Allen, in particular, was sensitive about this video now that, you know, that described the burning of a Koran, that that, too, would be used to incite people. And that's why he had that concern.

Q (U) And did you share those concerns?

A (U) Pardon me?

Q (U) Did you share those concerns at the time?

A (U) You know, at the time within the Department I shared those concerns.

Q (U) I mean, did you personally share those concerns? Did you also have those concerns?

A (U) No, absolutely, having been through that with these other instances, there was no question in my mind that this video had the potential to, if it started going viral, that it was going to incite people someplace, somewhere, somehow.

Q (U) So at the time, which would have been before the attacks, is it fair to say that you, General Allen, and other national security experts, held serious concerns that the film could spark protests in Cairo and elsewhere in the region?

A (U) That's correct. That's what led to the meetings that, you know, that September 10 meeting, the video was mentioned as a, you know, a potential incitement for demonstrations in these areas.

Q (U) And is it fair to say that you were also concerned, at

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that time, that potential protests against the film could turn violent against American interests?

A (U) That's correct.

Q (U) And is it fair to say that these concerns were subject of discussion between military and national security leaders within the United States on the days before the attack?

A (U) That's correct.

Q (U) Did you consider your concern and the concern shared by General Allen and other national security leaders in the day before the attacks related to the video to be a political concern? Was it at all related to how to win the election that was upcoming?

A (U) No, not at all. It was a concern because it was a national security concern.

Q (U) And some of the -- some of the questions I think in the last round --

A (U) Can I just go off the record?

[Discussion off the record.]

BY MS. SACHSMAN GROOMS:

Q (U) We can go back on the record. There were some questions in the last round, and I just want to make sure you have a chance to explain your position. I understand that there was no specific intelligence that an attack at the State Department facility was coming, but that you were at some heightened alert, knowing that there would be protests in Cairo --

A (U) Right.

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Q (U) -- and somewhere within the region, and generally, and maybe a number of places within that region. So in those -- in the upcoming to the 9/11 anniversary, what were the factors that were driving the posture of the U.S. forces? So can you explain, in a general sense, why the forces were where they were?

A (U) Yeah. Well, I think everybody has to remember that, you know, our forces are deployed around the world. And at that point, in particular, we were involved in two wars in Iraq and Afghanistan. Plus, we were dealing with potential threats coming out of Iran that we had to focus on. Plus, at that point, we also had a, you know, a presence in the Pacific, not only in Korea, but enabled our force projection into the Pacific as well. Plus, the fact that we were dealing with Al Qaeda threats in Yemen, and also dealing with the threats in Somalia as well.

(U) So there were a number of critical areas involving, you know, our focus that required both the deployment of men and women in uniform, plus other military sources to be able to deal with all of those threats. And then add to that, obviously, the potential for these additional threats that we were being made aware of. So all of our force projection, all of our forces were deployed in ways -- the best way to say it -- in ways to try to protect our national security.

Q (U) And I think it's probably easier now to second guess than to preplan?

A (U) Always.

Q (U) Always. But at the time, the concern was throughout

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the region, not specifically Benghazi. Right? It was Cairo, Tunis, Sanaa, and maybe Tripoli?

A (U) Yes, we were talking about 280, almost 300, you know, different worldwide threats that we had discussed. But in particular, we were concerned about these unstable areas in North Africa from Cairo, to Sanaa, to Tripoli, to -- Khartoum had been a problem, plus some others, you know. And the point of the discussions, particularly on the day before, was to kind of identify some of these sensitive areas that we ought to pay attention to. And as Secretary of Defense, my point with General Dempsey was, you know, we are aware of these. Let's just make sure that we are in a state of readiness, where if something has to be done, we're prepared to respond.

Q (U) And did you feel that you were, then, in a state of readiness?

A (U) That's correct.

Q (U) Okay. And I understand that those forces still had N hours. Right?

A (U) Yeah.

Q (U) They still had prep-time hours. Can you explain, you know, some second guessers might say, well, how come you guys didn't shorten the N hours at that point? Can you maybe address that?

A (U) Yeah, you know, there is a standard preparation time for these units. I mean, as I said, you know, I think people have to understand that, you know, it would be nice if we were a 911 operation, but we are not a 911 operation. We basically, we don't have firehouses

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located around the world to be able to deploy, you know, the fire department whenever there's a fire. What we have to do is be able to use our resources in a way to respond to a crisis when it takes place, and those units, our elite forces, they know that they have to move quickly.

(U) But at the same time, they don't sit around with a pack on their back and, you know, near a plane or on a plane. They have got to bring their unit, you know, together and make sure all of the people are there. They have got to go through the process of getting their packs ready, getting their equipment ready, you know, providing the armaments that are necessary to accompany them.

(U) There is an element of preparation that goes into getting these units ready to go. That's the way we operate. And you know, these people move fast. It's not like they are sitting around, you know, trying to play for time. They know because they are elite forces that they have got to move fast and when they are given the order, they do move fast. But the nature of, you know, the reality of what we are dealing with is, it still takes time. You know, put all of your packs together, get all of your people together, make sure they are all ready to go, put them on a plane and then transit that unit across whatever time and distance you have got to go in order to get them to the location. And you know, you wish you could just immediately, you know, when you have a crisis, be able to drop people into that crisis. That would be nice to do if you could respond quickly.

(U) But that's not the nature of how you respond to these crises,

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and do it in the right way, because even these units, which are elite, you know, they are not crazy. They have got to prepare for the contingencies that are involved, and you know, they have to take the time to make sure that as they respond, that they are not going to jeopardize more lives in responding to those kinds of crises.

Q (U) And you had said, I think, in the last round that one of the things that you had wanted was a commanders and extremist force permanently attached to AFRICOM, and that was working through the process before the September 11 attacks. Is that right?

A (U) Yes.

Q (U) In fact, I think that had already been budgeted and it actually showed up shortly after the attacks?

A (U) Yes, General Ham had made this recommendation, and I supported that.

Q (U) I think it was stood up October 1 of 2012, so right after the attacks. Is that right?

A (U) Right after.

Q (U) And it was able to stand up that quickly because it had been in the process, right?

A (U) That's right.

Q (U) Not because of the reaction?

A (U) That's right. There had been a set of orders to make it happen.

Q (U) In the wake of the attacks in Benghazi, the military has taken a number of steps to change its posture. Right?

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A (U) Yes.

Q (U) What it calls, I think, the new normal. I understand that you're not still there, but can you explain the reasoning behind the new normal?

A (U) Yeah, every time lives are lost, there are lessons to be learned, and that was true in this instance. There are a number of lessons to be learned.

(U) Number one, you have got to improve the intelligence to make sure you're aware that there's going to be an imminent attack because if you don't get that intelligence, almost everything else falls apart.

(U) Secondly, that security at these embassies and with our embassy personnel does have to be improved, particularly with the instability in, you know, in the Middle East and North Africa. And we were in the process of working with the State Department to improve security there.

(U) My understanding is the new normal has implemented some of the things we have put in place in adding about 1,000 marines to that.

(U) And then thirdly, it came to the deployment itself [redacted] that we had air transit capability there for these units, because some of these units, even though they were unique units, you know, and they are moving fast, didn't necessarily have air transit capability. And so that air transit capability is now -- now accompanies that.

(U) And the idea of trying to see if we could work with these

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African countries to try to see if we could ultimately be able to deploy, or have bases where we could have units deployed on so they could be in closer proximity. I don't know if that has ever happened, but that was also something we discussed. But those are some of the things that we put in place.

Q (U) And was one of the forces that got stood up after the attack in Benghazi the Special Purpose Marine Air Ground Task Force MAGTF that became a dedicated asset to AFRICOM? Does that sound right?

A (U) I believe. Yeah, it sounds familiar. I believe that is the case because it was, you know, AFRICOM, as you know, was a relatively new command. And as I pointed out, I think when I became Secretary, I couldn't understand why the hell AFRICOM command wasn't located in Africa. And they made clear that that was a touchy subject.

Q (U) And in the -- after those changes, is it your sense that the State Department and other U.S. personnel are safer in the region now, or is there -- and there's still the tradeoff from distance -- the major issues of distance and time that can get mitigated but never really eliminated?

A (U) Yeah, I mean, obviously, you know, I'm not there now, so I can't -- I can't tell you firsthand what the situation is like. But I would assume that because of the steps that were taken, that we are in a better position to respond. But I think you always have to take into consideration two important elements. If you don't get intelligence that indicates these attacks are going to take place, you're still going to be -- there's still going to be greater time

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involved just to be able to then deal with that situation as it arises.

(U) And secondly, that there is always the issue of time and distance, particularly distance. We are dealing with a part of the world in which there are huge distances. You look at these places on a map and you kind of, you know, you begin to understand that it takes time to be able to transit from our bases in Southern Europe, or wherever they may be located, it takes time to be able to travel to a point where you can then deploy these forces. That's just the nature of it. And I don't -- I don't know that there is anything you can do in terms of just the nature of the distances, the great distances that have to be overcome.

(U) Now, you try to deploy additional bases and try to, you know, see if you can get places where you can deploy quickly, but that, again, becomes an issue of the countries cooperating with you to allow that to happen.

Q (U) And is there a cost tradeoff to shortening the N hour and improving the response times?

Mr. Shapiro. (U) Financial cost?

Ms. Sachsman Grooms. (U) Yes, financial resources, people?

Mr. Panetta. (U) Well, I mean, there's always costs involved. But I have to tell you, when it comes to these elite forces, costs are usually not a factor.

BY MS. SACHSMAN GROOMS:

Q [redacted] (U) in some of these forces, does that require you

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to then have additional forces there to be available because people need to be on alert and then they need rest time?

A (U) Yeah, I know it's apparent that when you reduce that N plus, whatever time, that it means that you've got units that are going to be in a higher state of readiness in order to deploy. And you can only keep people in a high state of readiness so long. So you're going to have to create some additional teams that can be able to rotate in order to be ready, like a firehouse has to do that.

Q (U) Following the attacks in Benghazi, did you work with Secretary Clinton to provide Department of Defense support to develop joint Department of Defense and State Department security teams to reassess the securities of the embassies in the high-threat, high-risk posts?

A (U) Yes, we did. She made the request, and we cooperated with her in having some of our security people work with her people in order to identify needs and how to address those needs.

Q (U) And can you explain why those teams, which were sort of the new idea, were important to identify sort of immediate needs and threats?

A (U) Yeah, I mean, you know, look, these -- we have our as you know, Marine detachments that are assigned to embassies. The role is not primarily security. It is basically protecting classified information, helping support the communication, and obviously, they do provide, you know, some limited security. But the basic role of security is usually the host nation that has to do that.

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(U) Now, in these countries where, you know, they were in the wake of the Arab Spring, the reality is that, you know, host nation protection is pretty questionable. And I think, as a result of that, that Secretary Clinton felt that it was important to kind of review these areas and determine what additional steps could be provided in order to increase security.

Q (U) And did you agree with her?

A (U) Yes.

Q (U) And do you think that that was an important step in the wake of the attacks to bolster the security of the embassies?

A (U) Absolutely. Again, it's a lessons learned and, you know, you have to -- you have to learn from these tragic situations what additional steps you can take in order to save lives.

Q (U) As you were discussing the mission of the Marine security guards, since the attack, one of the things that have changed is that the Marine security guards have increased in size. There are more of them at embassies, and they have expanded their mission beyond the primary mission just to protect classified material. Can you describe why that would be important?

A (U) Well, again, you know, without knowing specifically how all of this has been implemented, it was at the time before I left, we were talking about adding 1,000 more marines to try to help in terms of security. And you know, the ability to have that additional security, particularly in these countries where, you know, there is a lot of questions about the ability of the host nation to, in fact,

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respond and provide protection. That in the end, you know, we still have a responsibility to our people and to our Embassy officials that, you know, we do everything possible to try to protect them.

(U) At the same time, I think, you know, it's also a fact, and Secretary Clinton has mentioned this, that, you know, our ambassadors and diplomatic officials can't live in a bunker mentality. You have got to get out there. You have got to talk to people. That's the nature of having diplomats. So it's this balance of, obviously, providing security, providing additional protection, but at the same time, recognizing that their principal role is to understand what's going on in that country and they have got to get out of there and understand what's going on.

Ms. Green. (U) This may have happened, Secretary Panetta, after you left, but there was a new MOU signed between, I guess, the Marine Corps and the State Department where they added to the mission of protecting classified, also to protect personnel, so sort of, you know, added that layer as also a primary mission is my understanding.

Mr. Panetta. (U) Uh-huh, well, it's understandable, but you know, in the end, you know, at least my own point of view is in the end these guys can provide, you know, some protection and they are damn good at it. But if the host nation is not involved, you're in trouble.

Ms. Sachsman Grooms. (U) I think we will break this round and go off the record.

[Recess.]

Mr. Chipman. (U) Okay, back on the record. Congressman Jordan,

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did you want to start off this next round?

Mr. Jordan. (U) Sure. Let's go back to the email, Secretary Panetta. So I just want to be clear. You said the first hour, the questioning from, I guess, all three of us, that even though -- notwithstanding the email that says, "assuming principals agree," that you had already, prior to this email being sent at 7:19 eastern time on the 11th, you had already told the Special Ops, and the FAST team to deploy?

Mr. Panetta. (U) Well, just to be correct, I told General Dempsey to deploy those forces.

Mr. Jordan. (U) Okay. And do you know when those respective forces actually took off?

Mr. Panetta. (U) I don't.

Mr. Jordan. (U) The Special Op force that left the United States, do you know when that left?

Mr. Panetta. (U) No.

Mr. Jordan. [redacted] (U) the Special Op force in Croatia left at 10:17 the morning of the 12th, and the FAST platoon left at noon on the 12th. So what we are trying to -- what I'm trying to understand is, you gave an order at 7:19 eastern time on the 11th, and these forces don't leave until several hours later. Why such a long delay?

Mr. Panetta. (U) Well, again, from my perspective, as Secretary, you know, my job is to issue the orders that these units be deployed,

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and deployed as fast as possible. And you know, my understanding is that -- is that those units were, in fact, moving to implement the order that I gave. As to the particulars of, you know, who was where when, at what time, that frankly was not -- was not something I was following on a point-by-point basis.

(U) My point to General Dempsey, I mean, was, you know, if there are -- if there are any problems involved with the order that I issued, obviously, I want to know about it. And General Dempsey never came to me and said there were any problems.

Mr. Jordan. (U) In the first hour you said when you gave the order it was to "take the hill," I think was the term you used in the first hour.

Mr. Panetta. (U) Yeah.

Mr. Jordan. (U) And now, and that order, again, what you said in the first hour was done at least by 7:19 p.m. that night, and the three -- the two Special Ops and the FAST platoon that you put into motion at 7:19, two of them never get to Tripoli ever, and the other one only -- or excuse me, two of them never get to Libya. And only one of them gets to Libya and that's Tripoli, not Benghazi.

(U) I mean, to me, that -- are you surprised that it took that long and, in fact, they never got there when obviously, if you're saying deploy now, take the hill, I mean, maybe -- that's what, again, I'm failing to understand.

Mr. Panetta. (U) No, look, my orders are that, you know, these teams are to deploy, and recognizing the time to prepare, and the

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distance to get there, that, you know, those are obviously all taken into account. But when -- 12 hours after that attack began all of our personnel were out of Benghazi, that at that point, there is not a lot of need to deploy forces into Benghazi if it's over.

Mr. Jordan. (U) I wasn't saying that. All I'm saying is, you know, less than 3 hours into the attack, you say deploy, and only one of the three, you know, forces you put in operation ever even got to the country.

Mr. Panetta. (U) Well, the one that got there is the one that went to Tripoli.

Mr. Jordan. (U) Right.

Mr. Panetta. (U) And that one got there, and did its job. The others, frankly, their primary role was to respond to Benghazi, and at that point, the attack was over.

Mr. Jordan. (U) Right. But the one that got to Libya got there 23 hours later, and you don't think that is -- you don't think that that's unusual?

Mr. Panetta. (U) Well, you know, again, considering you know, the preparation, and the time, and distance to get there, I mean, it's all -- it's all understandable. But I also have to tell you, you know, that there are lessons to be learned here.

Mr. Jordan. (U) Twenty-three hours after the attack started is when it got to Tripoli, 20 hours after you gave the order. So it took 20 hours to carry out your order?

Mr. Panetta. (U) As I said, there are lessons to be learned here,

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and one of the things we did was to take a look at the situation and try to reduce that N plus time in order to make sure that could happen faster. I think, you know, there are -- there are obviously things that you learn from tragic events, and this -- one of them was to try to reduce that preparation time in order to make sure that these important units are able to respond in a faster time track.

Mr. Jordan. (U) Let me back up. This morning when we started, Dana, or General, started with asking you these questions, Secretary, about the meeting on the 10th, preparing for how you were going to have assets, and what you were going to do and getting ready for September 11, which I assume happens probably every September 10 getting ready for September 11, and what may try and anticipate.

Mr. Panetta. (U) Yeah, there are always concerns about September 11.

Mr. Jordan. (U) So you talk about this was a critical meeting, important folks were in this meeting. Did anything change so did any -- we have where assets, and alerts and things are done on the 9th of September. We have this important meeting on the 10th. Did anything change? Was anything different on the 11th as a result of what you discussed in that meeting on the 10th?

Mr. Panetta. (U) Well, the difference was, you know, that we made clear that we would be on a higher state of alert as a result of, you know, the potential events that could occur on the 11th. And as a result of that, all of these units, particularly the elite units, are made aware of the fact that we are putting them all in a higher state

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of alert.

Mr. Jordan. (U) Higher state of alert. Anything else? Were any assets moved as a result of the meeting on the 10th?

Mr. Panetta. (U) No, because, you know, it's important not to just simply move these assets around for the sake of moving them around. You have got to respond to the crises, and if I, you know, suddenly deploy forces to Cairo, and something blows up in Khartoum, then I have got to figure out how the hell to adjust, and so it makes better sense, frankly, to have these units ready to go and, you know, if a crisis does emerge, be able to deploy those forces when necessary.

Mr. Jordan. (U) Okay. And was Benghazi talked about -- Benghazi and Libya specifically talked about at this meeting on the 10th?

Mr. Panetta. (U) No.

Mr. Jordan. (U) I'm going to move to -- we might want to give this to the Secretary, give Chairman Gowdy a copy. I will use this one if I can.

(U) This is from questions the House Armed Services Committee -- and I apologize, I don't have the date. This is from Congressman Wenstrup, an exchange with Congressman Wenstrup and General Ham.

Mr. Chipman. (U) And for the record, that is Deposition exhibit 8.

[Panetta exhibit No. 8
Was marked for identification.]

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Mr. Jordan. (U) So let me first start with, Secretary, your -- when did you first talk with General Ham on the night of the attack?

Mr. Panetta. (U) He was at the Pentagon.

Mr. Jordan. (U) Right.

Mr. Panetta. (U) And General Dempsey made me aware that he was present there, and that's -- I asked him to come up to my office as soon as I got back from the White House.

Mr. Jordan. (U) So around, I think the time --

Mr. Panetta. (U) Sometimes around 6.

Mr. Jordan. (U) Sometime around 6 o'clock. So you met with General Ham around 6 o'clock. And did you talk with him several times during the evening, or you sort of --

Mr. Panetta. (U) Yeah.

Mr. Jordan. (U) And General Ham, just to be clear, he did not go with you to meet with the President --

Mr. Panetta. (U) No.

Mr. Jordan. (U) -- even though he was in Washington? And you had not talk to him prior to your meeting with the President?

Mr. Panetta. (U) That's correct.

Mr. Jordan. (U) When you got information of the attack, just so I'm clear, did that come from up through the chain of command to you at the Pentagon? How did you, at the Pentagon, get that information? Did it come through General Ham, and then someone at the Pentagon, General Kelly or Mr. Bash tell you, or how did that work?

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Mr. Panetta. (U) I think it probably came through our joint command there that they were notified about the incident taking place there, and that, you know, again, you probably should check with the individuals involved, but I'm sure that General Kelly, my military attache, was made aware of that at the time. And you know, he's the one who alerted me, as I was walking out the door, the Secretary's office that there was this attack going on in Benghazi.

Mr. Jordan. (U) Okay. And in your conversation with General Ham that night, did you talk about the nature of the attack on both the Special Mission Compound and the Annex in Benghazi?

Mr. Panetta. (U) I think, you know, again, it was, you know, a situation in which we had, you know, bits and pieces of information about what was taking place there. All I knew at that point was that an attack had happened. As to what the nature of it was, what, you know, what was involved, we really didn't have all of those details.

Mr. Jordan. (U) Uh-huh. Can you look down what the exchange I'm going to go to page, I think it's numbered 50.

Mr. Panetta. (U) Okay.

Mr. Jordan. (U) Near the end of the exchange, I want you to -- Congressman Wenstrup, who was a doctor, Dr. Wenstrup served in our military. He says, "I'm concerned that some of the military would be advising that this was a demonstration. I would hope our military leadership would be advising that this was a terrorist attack."

And General Ham says, "The command very quickly got to the point that this was not a demonstration. This was a terrorist attack."

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Do you agree with what Mr. -- or excuse me -- do you agree with General Ham's assessment of the nature of the attack?

Mr. Panetta. (U) From my understanding of, you know, what was happening there, at least my personal assessment, again, without all of the facts, was that there was an attack going on and that, you know, this was -- this was something that was, you know, constituted a serious event.

Mr. Jordan. (U) Is it accurate to call it a terrorist attack as General Ham did?

Mr. Panetta. (U) I think our, at least my analysis at that point is that, you know, we were dealing with an attack. I wasn't aware of all of the facts as to, you know, just exactly what had taken place. But you know, when -- obviously, the next morning, when we found out about the attack that occurred on the CIA facility, and when I knew that RPGs and mortars had been used in that attack, my conclusion, personal conclusion, again, was that this was a terrorist attack.

Mr. Jordan. (U) So when General Ham answers a second question from Dr. Wenstrup that General Dempsey and Secretary Panetta, the nature of our conversation was that you understood it was a terrorist attack, that's accurate?

Mr. Panetta. (U) Yeah.

Mr. Jordan. (U) And is this referring to conversations you had the night of the attack?

Mr. Panetta. (U) You know, I don't recall, you know, the night of the attack itself. I mean, we knew there was an attack. You know,

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clearly, if there is an attack, you assume in that part of the world that terrorists are involved. That was probably kind of a working assumption at the time that we were talking about deploying these forces, is that they were going to have to deal with that kind of situation.

Mr. Jordan. (U) At any time in those meetings you were having at 6 o'clock and throughout the evening, did -- was there a focus on any type of demonstration, any type of video, or --

Mr. Panetta. (U) No.

Mr. Jordan. (U) All right. I'm good for now then.

Chairman Gowdy. (U) Secretary Panetta, first of all, thank you for your service to our country. Among the things that are least politicized in our culture would be the military and among the things that are most respected, and some of our fellow citizens who did not serve have really realistic expectations in the military, and some of our, and I will include me in it, are kind of colored by culture; this notion that we can get wherever we need to get in a 60-minute television show. Your testimony earlier was even, you know, laying the meeting at the White House aside, you had the Arab Spring. You had post-revolutionary Libya. And one of the questions I get is, okay, if we were not able to get there in time, why in that region were we not positioned in light of all of those factors? Lay aside the anniversary of 9/11. Just what's happening in the region? A lot of our fellow citizens just have trouble that we were not able to respond within the time period that Jimmy set out. So what would you say to

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them?

Mr. Panetta. (U) Well, you know, I guess you have got to kind of -- you have to stand back and look at the threats in the world that we are confronting at that point. And, you know, we are not -- obviously, we are concerned about some of the events that might or might not take place in North Africa. But at that point, I was also fighting two wars in Iraq and Afghanistan. We were very concerned about Iran, and Iran was engaging in some behavior that, you know, that was volatile and concerned us at that point. So we were keeping an eye on Iran. [redacted] to deal with Al Qaeda, and dealing with that; not to mention, obviously, our deployments in the Pacific in terms of dealing with the threat from North Korea.

(U) So I think people need to understand that it is not like we are all waiting around for these events that, you know, we are concerned about, you know, in North Africa. In addition to that, we have a responsibility to protect our national security and are dealing with all of these other issues. And a lot of our forces, most of our forces are deployed to basically fulfill those missions, but at the same time, we do have these elite forces that we use when we have to respond to crises. And that's what we had, and that's why we used them.

(U) And again, you know, I mean, I understand the mentality, you know, especially when you watch television, that somehow, you know, we can be a 911 team and suddenly have to respond. That's not the way it works. I wish it, you know, in some cases it would be nice to be

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able to have that, but we are not -- we don't locate our firehouses in all of the places where you could have potential violence, or potential problems. That's just not, you know, that's not what we do. Because it would be inefficient, and because, frankly, our force structure is designed to deal with all kinds of national security threats. And that's what we're doing.

Chairman Gowdy. (U) All right. In addition to the Arab Spring, the anniversary of 9/11, there had been the protest demonstration, whatever word you want to use, in Cairo, that preceded what happened in Benghazi. Were any assets moving towards Egypt in light of what had just happened there?

Mr. Panetta. (U) No, because at that point, although there had been some disruption there, you know, there had been no indication that American lives were in jeopardy.

Chairman Gowdy. (U) All right. I want to ask you about the email, just to make it absolutely clear in my mind. There are two principals, you and the Commander in Chief. Are there any other principals, if Mr. Bash correctly used the plural, could there be any other principals he was talking about?

Mr. Panetta. (U) The only individual that had the authority to issue those orders was the Secretary of Defense, and the only person who could contradict those orders would be the President of the United States.

Chairman Gowdy. (U) And you have no evidence at all that the President contradicted your orders?

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Mr. Panetta. (U) Absolutely not.

Chairman Gowdy. (U) So there would be only one principal, and if the Secretary -- and if the President did, I assume he would have done that to you and not to Mr. Bash. Mr. Bash would not have been the one reporting to you.

Mr. Panetta. (U) Absolutely, absolutely.

Chairman Gowdy. (U) So we can eliminate the President being part of that principal, plural, and your testimony is that there was no ambiguity in terms of what you said you wanted done?

Mr. Panetta. (U) That's right.

Chairman Gowdy. (U) And again, I'm asking you about an email that you didn't draft, but we are trying to understand what he possibly could have meant by "assume principals agree to deploy." Who else could he have been talking about?

Mr. Panetta. (U) You are really going to have to ask him, because, I mean, I, from my perspective, once I issued that order, that order was going to be implemented. And frankly, it was in line with what the President told me to do, which was to do everything possible to try to save lives.

Chairman Gowdy. (U) All right, I want to fast forward to the Sunday morning talk shows. I don't know if you saw them, but at some point, you probably heard about them.

Mr. Panetta. (U) Yeah.

Chairman Gowdy. (U) Was what Ambassador Rice, was what she said on those Sunday morning talk shows consistent with what you understood

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happened?

Mr. Panetta. (U) Well, you know, first let me say that I never saw any talking points. All right. They never sent any talking points to the Secretary of Defense. So I was not aware of the talking points. We did have, the day after, a discussion of National Security Council in which General Petraeus indicated that, you know, the intelligence analysts had looked at it, and determined that it appeared to be a demonstration that got out of control, at which time, I said, are you sure about that? You know, I said, my sense is that you're dealing with RPGs and mortars, and it just strikes me as a terrorist attack.

(U) And he said, yeah, but there's a lot of weapons floating around in that part of the world, and who knows? All of this was obviously preliminary. Nobody had actually gone there and determined all of the facts. But at least at that point, my sense was that, you know, and I think, you know, in discussing it, that it appeared to me to be a terrorist attack, and as a matter of fact, when I came up and talked to the Armed Services Committee on the Senate side, when they asked about it, you know, I basically gave them that same view.

(U) Again, it's my view. I didn't have all of the facts. I didn't know all of the details. But at least from what I knew, it sure struck me as being a terrorist attack. And so when the Sunday shows occurred, I guess the thing that occurred to me, you know, when I heard, you know, at least reports on what had happened on the Sunday shows, that you know, what was -- what was missing was a very important statement, which was that the matter is under investigation and that

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we don't know all the facts. And I think that should have been included in the talking points, and it sure should have been included in whatever statements were made on the shows.

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[1:28 p.m.]

Chairman Gowdy. (U) I am sure if Ambassador Rice were here, she would, and we hope to have her here at some point, I'm sure she would tell you that she did use some of those fudge words, like our best assessment at the time. She also used a phrase that I think has a pretty specific meaning, which is the phrase, "in fact." When you say something in fact, that connotes to the listener that it is a fact. And she talked a lot about the video, and she talked a lot about a protest. And if I understand you correctly, there was nothing on the DOD side that led you to conclude that this was a demonstration or a protest that got out of control.

Mr. Panetta. (U) At that point, there was nothing. Again, I preface this, my experience in dealing with these kinds of events is, you know, frankly you probably ought to keep your mouth shut until you know all the facts. It's a good principle. But at least from what I knew at that point, it certainly struck me as being a terrorist attack.

Chairman Gowdy. (U) It's always an option to say we don't know.

Mr. Panetta. (U) Exactly.

Chairman Gowdy. (U) Did you consider, at some point, even if you didn't watch it, at some point I'm sure you became aware of what she said. Did you discuss with the President or anyone else that our intelligence, our evidence, does not back what we told the American people?

Mr. Panetta. (U) Well, you know at that point, I think it was -- my understanding was that there was going to be an effort to

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deploy a team there to determine exactly what had taken place, and it was within -- I mean, I can't recall just exactly the time, but that ultimately a video was produced, I guess, based on some of the stuff we were getting from the UAVs in place that presented a pretty clear case as to what had taken place there. And, look, if you've looked at that, and I don't know whether you've looked at that video, but if you've looked at it, at least initially there is clearly a demonstration, and there is clearly a demonstration that appears to get out of control.

(U) So I can understand, at least, some of the initial intelligence that might have thought that. But the reality is when you look at what happened at the second facility, that there is not much question that that obviously did constitute an attack. So I can see where there might be some confusion involved in what was decided, but ultimately, it became pretty clear as to what had taken place, and I think the American people certainly know that now.

Chairman Gowdy. (U) When you make reference to a video, I'm assuming you're making reference to the surveillance video?

Mr. Panetta. (U) That's correct.

Chairman Gowdy. (U) Where individuals jump over the fence and unlock the fence.

Mr. Panetta. (U) Yeah.

Chairman Gowdy. (U) And they're all armed, and there seems to be, at least, some sense of purpose to what they're doing?

Mr. Panetta. (U) Yes.

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Chairman Gowdy. (U) You, in response to one of Jimmy's questions, said it's important to learn lessons. What would some of those lessons be.

Mr. Panetta. (U) Well, I think there are several lessons to learn here. One is, that you really do need good intelligence, that not having intelligence about an imminent attack in Benghazi is, in many ways, probably the fundamental problem that, in some ways, added to all the time factors that concerned us all. But if we had had intelligence about the possibility of an imminent attack in Benghazi, then we would have been much better prepared to be able to deal with it on the ground.

(U) That didn't happen, and I really think it's important that, obviously, having been Director of the CIA, I know how important it is not to be surprised. That's the whole purpose of our intelligence capability, is to not be surprised. It happens. I understand that, but we just need to improve, particularly in that part of the world. Frankly, we really do need to improve our intelligence capability and understand what the potential threats are. So that's number one.

(U) Number two, there's no question you have to improve the security of our embassies, and particularly, our diplomatic officials who are out there. It's important that we provide the best security we can. Now, obviously, the host nation carries primary responsibility here, but at the same time, particularly in these volatile areas where, in the wake of the Arab Spring, there are countries that, you know, have not put together a capability to provide

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host nation protection, that it's important to have additional security. And before I left, obviously we were working on an approach that I understand has been implemented to add a thousand Marines and some additional security to those facilities, so improving that security is obviously important.

(U) Thirdly, we learned a lot about the deployment here, and being able to reduce the amount of time for preparation of these units, being able to make sure that they had air lift capability present, ready to go. Those steps needed to be taken in order to ensure that once they were ready, reduce that time, and get them going.

(U) Now, obviously, if you have a unit that's ready to go and they're in a high state of readiness, you've got to make sure you have other teams that are prepared to kind of rotate so that you can move them when necessary. A lot of that is involved here, but nevertheless, that was an important lesson that we learned and that we put into place.

(U) The last lesson I would tell you is don't use talking points that don't include language that makes very clear that the matter is under investigation and that these results are only preliminary. As former chief of staff, I've seen talking points, and I can understand how trouble can result as a result of that. I used to review those before anybody got a hold of them to make sure that they reflected what we wanted to inform the American people about, because the last thing you want to do is to mislead the American people.

Chairman Gowdy. (U) Two more points, Mr. Secretary. I think every member probably on both sides has been stopped from time to time,

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either on an airplane or at the grocery store, someone talked to someone who talked to a special operator who was in the region, ready to go, waiting on the call; a call never came. It happened on the House floor to me 48 hours ago. A colleague said, I was talking to someone who was ready to go. I'm assuming that you saw the list of every asset in the region, no matter how singular it may have been, and you knew everything that was at your disposal that night.

Mr. Panetta. (U) General Dempsey, I relied on his recommendation in conjunction with General Ham. They made me aware of the resources, the units that we would have that could be the most immediate way to respond to the situation, and that's what I went with.

Chairman Gowdy. (U) And there were no assets that you were made aware of in terms of time, proximity, availability, that you did not know of.

Mr. Panetta. (U) That's correct. That's correct.

Chairman Gowdy. (U) All right. Last question. Do you know whether any former GTMO detainees were part of the attackers in Benghazi that night?

Mr. Panetta. (U) I do not.

Chairman Gowdy. (U) Thank you.

Mr. Jordan. (U) Mr. Secretary, real quick if I could, and again, thank you. Did you attend the 7:30 SVTCs meeting that night? Were you part of that?

Mr. Panetta. (U) No. I was there. I was in my office, and, obviously, getting regular reports on some of the things that were

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happening, but I was not at that.

Mr. Jordan. (U) Did you participate in that closed video?

Mr. Panetta. (U) No.

Mr. Jordan. (U) And did you or anyone at the Department of Defense have any input into the 10:08 statement that became the official statement of our government that night that Secretary Clinton sent out?

Mr. Panetta. (U) No.

Mr. Jordan. (U) Thank you.

Mr. Chipman. (U) Congresswoman Brooks and then Mr. Westmoreland.

Mrs. Brooks. (U) When you were talking about the kind of posture around the world and what you were dealing with in various places in the world, did you as Secretary of Defense ever engage in discussions with the Secretary of State or with the head of CIA about where they were in the world?

Mr. Panetta. (U) Well, obviously, you know where our embassies are located and consulates, et cetera, et cetera, we should have some idea in terms of these different countries. And you know, by virtue of, at least from my own experience, [redacted] But as to the specific location and where they were, that was not something I spent a lot of time on.

Mrs. Brooks. (U) But you, when you say an official embassy, were you aware when there weren't official embassies and other temporary type of government posts in different countries?

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Mr. Panetta. (U) Not always.

Mrs. Brooks. (U) Was there ever any discussion within the administration about where, you know, these places were, where the State Department stood up temporary facilities?

Mr. Panetta. (U) Not that I participated in. I mean, obviously, look, as CIA Director, I knew some of the places where we were located, obviously, but not as Secretary of Defense.

Mrs. Brooks. (U) You hadn't been CIA director for 14 months, and so, did you have regular communications with Director Petraeus as to where they were in the world?

Mr. Panetta. (U) No. I mean, we talked with obviously issues they were dealing with, intelligence issues. I used to have kind of meetings at the Pentagon where I would bring not only General Petraeus, but also General Clapper, and we would talk about general intelligence issues that we were dealing with, but never specifically about geographic locations.

Mrs. Brooks. (U) And when you talked about the video of the attack that night and you mentioned demonstration at the state compound or the state temporary mission facility, what did you see that you believe it was a demonstration?

Mr. Panetta. (U) Well, you know, you saw a mob, and that mob was coming across those fences, and they were kind of moving. You could just --

Mrs. Brooks. (U) I'm sorry, sir. But when you say you saw a mob, on the outside of the fence? Or do you recall if you saw just a few

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individuals coming over the fence? Did you actually see a large group of people?

Mr. Panetta. (U) I'm going to refer you to the video, but, obviously, at least my recollection of watching that video was that there were people coming over the wall and that certainly they were crashing through and moving in a way that obviously was reflective of a mob out of control.

Mrs. Brooks. (U) But you saw people coming over the wall, individually coming over the wall?

Mr. Panetta. (U) Yeah, that's right.

Mrs. Brooks. (U) But you don't recall ever seeing a group of people outside of the wall, do you?

Mr. Panetta. (U) Not really. I don't think so. I guess the cameras, I don't know how they put the video together, but I think they used some of the film obviously from the cameras that were at the facility.

Mrs. Brooks. (U) So besides a large number of people coming over the wall, was there anything else that you saw or that you recall that denotes a demonstration?

Mr. Panetta. (U) It was just the manner that people were kind of rushing through the building, and they were throwing stuff out of the building; and it was, it just seemed to be, as I said, it certainly had the appearance of a mob out of control.

Mrs. Brooks. (U) And when you talked to the chairman about the assets, and I want to clarify this, that you felt that General Ham and/or

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Dempsey had informed you of all of the assets that were there, but yet you did not know that you had two DOD people in Tripoli. Is that correct?

Mr. Panetta. (U) We have DOD people assigned to embassies around the world, and so I mean, obviously, I think I could have assumed that there were DOD personnel there. But as to what they did and how they responded, they were obviously, at that point, under the chain of command of the Embassy.

Mrs. Brooks. (U) Were you told how many people, how many DOD people were there?

Mr. Panetta. (U) No.

Mrs. Brooks. (U) Is there a standard number that would be in a place like Tripoli?

Mr. Panetta. (U) Normally one or two, but it just depends on the embassy.

Mrs. Brooks. (U) Thank you. I have nothing further.

Mr. Chipman. (U) Mr. Westmoreland.

Mr. Westmoreland. (U) Secretary, this video that you saw, was this from the Predator feed?

Mr. Panetta. (U) You know, I know I saw it, and I think it was presented to the intelligence committees, and I know others have looked at it. I'll ask you guys.

Mr. Shapiro. (U) Your question was what he saw that night?

Mr. Panetta. (U) No, no. It's not from that night. This was several weeks afterwards.

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Mr. Westmoreland. (U) Was that video taken from the Predator or from the ground cameras?

Mr. Panetta. (U) I don't know what contributed to that, but it was clearly a video that showed what had taken place there.

Mr. Westmoreland. (U) I've seen it, and I'm going to go back and look at it again, because I don't remember that. And I'm a little slow, so you're going to have to kind of help me and kind of walk me through this, but you had that meeting, and it lasted with the President, you said, for about 30 minutes?

Mr. Panetta. (U) Approximately.

Mr. Westmoreland. (U) It was already a prearranged meeting? I mean, this was a weekly or --

Mr. Panetta. (U) That's right.

Mr. Westmoreland. (U) Was there anything in particular you all were going to talk about at that particular meeting, or you all just go in and --

Mr. Panetta. (U) Obviously, there were, as I pointed out, there were a lot of things going on. I can't remember --

Mr. Westmoreland. (U) You have a set agenda that you go by?

Mr. Panetta. (U) Normally, we have a set agenda, and we talk about issues. General Dempsey would have issues to discuss as well. And between the two of us, we try to give the President an update as to, you know, what's taking place with regards to, you know, the Defense Department and obviously the issues that we were confronting around the world, primarily, obviously, in the Middle East, but, in

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particular, in Iraq and Afghanistan.

Mr. Westmoreland. (U) So did you set the agenda, or did the White House set the agenda?

Mr. Panetta. (U) We set the agenda.

Mr. Westmoreland. (U) He set it?

Mr. Panetta. (U) We set it.

Mr. Westmoreland. (U) Oh, you set it. So was the Middle East or any of these things already on your agenda as far as what was going on?

Mr. Panetta. (U) I can't recall, but I can tell you that as I said, our main focus was the war that was going on in Iraq, the concerns we had about Iran, which, at that point, as you can understand, we were worried about some of their activities related to our fleet. And the other area was, obviously, the war in Afghanistan.

Mr. Westmoreland. (U) The conversation you all had the day before I think you said when you were in a car or somewhere --

Mr. Panetta. (U) Yeah.

Mr. Westmoreland. (U) -- and you all spoke about the video, right? Was there any further discussion about the video or what impact that video might have planned for that meeting?

Mr. Panetta. (U) I understand. This is the inflammatory video that people were concerned about.

Mr. Westmoreland. (U) Yes.

Mr. Panetta. (U) I think that was mentioned as something that could possibly inflame some demonstrations at some of these areas that

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were discussed. And the reason for that -- I was asked by minority counsel about that issue -- General Allen, in particular, who was our commander in Afghanistan, there had been instances where -- and I can remember one in particular, where one of our military officers for some reason wound up burning some Qurans, and the fact that that had happened went viral, and some demonstrations resulted as a consequence, and it concerned General Allen that there was now this new video that involved the burning of a Quran and that that might inspire the same kind of demonstrations.

Mr. Westmoreland. (U) I'm just kind of thinking if that was me, and I was going in and we had had the conversation about being prepared for September the 11th, and all the different things, that I may have wanted to tell the President, Hey, in light of this video possibly coming out or whatever, here's the things we have done. Here's where we have repositioned people, put people on higher alert or whatever. Was that anything that was on your agenda that day?

Mr. Panetta. (U) Again, I can't recall the specifics of it, but I think we indicated the day before as a result of the SVTC, or the discussion we had, that we had placed our units on higher alert because of the potential for what could happen.

Mr. Westmoreland. (U) What units were those that you placed on higher alert?

Mr. Panetta. (U) It was just the Defense Department in general, that we went on higher alert, higher state of readiness, I guess is the best way to put it.

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Mr. Westmoreland. (U) Also in this DOD, I'm not sure what exhibit this is, it's the Committee on Armed Services, the Senate. I guess it's a report from the DOD press office. The last paragraph says, "Unfortunately no alternative or additional aircraft options were available within enough time to be effective. The official said due to the incomplete intelligence picture on the ground, armed aircraft options were simply not feasible." I'm assuming that you're talking about the intelligence at that moment when the attack was going on?

Mr. Panetta. (U) I don't know who wrote that. I believe that the statement is correct in terms of not having the kind of intelligence as far as what was taking place at the time.

Mr. Westmoreland. (U) It was at the time of the attack?

Mr. Panetta. (U) That's right.

Mr. Westmoreland. (U) Not any previous intelligence about that?

Mr. Panetta. (U) That's correct.

Mr. Westmoreland. (U) Because I know between, I think, January the 1st and September the 11th, there's like 4,500 pages of intelligence put out by the CIA about the situation in Libya and Benghazi. Did you ever get any of those reports?

Mr. Panetta. (U) If they were contained in the PDBs, which is your intelligence bulletin, then, obviously, I would have gotten indications of that by the briefings I had on the PDB. [redacted]

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Mr. Westmoreland. (U) I mean, that's a lot of pages. I think there's about 400-some reports, but they continually were getting worse and more of a hot area. And as the chairman mention, you had Arab Spring and other things popping up, so I would think somebody would start paying closer attention. And then, two, the number of incidents that had happened there, I mean, I assume you're get this daily report, you would have seen there was a hole blown in the perimeter wall, that there were protests in the town with Al Qaeda and al-Nusrah, identified people there, protesting up to the point of this, and I didn't know if that's something the military would have paid attention to about doing what you said you all planned to do on the 10th, and that was make sure we were ready for the 11th?

Mr. Panetta. (U) I guess, again, Congressman, just to put this in context, you get these reports of incidents all over the world, and in particular, in North Africa and the Middle East, and you get reports of potential Al Qaeda attacks in a number of places. That's just the nature of intelligence that comes in. And the critical test is always what's credible and what's not credible. And in order to determine that, you got to look at resources, the sources for the information. You've got to make all kinds of judgments.

Mr. Westmoreland. (U) I would hope that whatever is in that presidential daily briefing would be credible.

Mr. Panetta. (U) Well, sometimes yes, and sometimes no. It's the nature of it.

Mr. Westmoreland. (U) I'll keep that in mind. Was it normal

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for -- your chief of staff, Mr. Bass, we're going to have an opportunity to talk to him. He had been with you at the CIA?

Mr. Panetta. (U) He was my chief of staff at the CIA.

Mr. Westmoreland. (U) So he had been with you for a while?

Mr. Panetta. (U) Yes.

Mr. Westmoreland. (U) Would it be out of his nature to start -- had he ever used the term "spinning up" before?

Mr. Panetta. (U) I don't recall.

Mr. Westmoreland. (U) It wasn't something he used on a regular basis. You had never, until you saw the email that said things were spinning up, you don't really know what he meant by spinning up?

Mr. Panetta. (U) No.

Mr. Westmoreland. (U) You never spun anything up at the CIA?

Mr. Panetta. (U) We got spun up about a lot of things.

Mr. Westmoreland. (U) Do you think he would have taken it on himself to start that kind of operation without first consulting you or somebody?

Mr. Panetta. (U) I have tremendous trust in Jeremy. He would have done nothing to contradict my orders with regards to deployment. If anything, he would have tried to make sure that they were being put in place.

Mr. Westmoreland. (U) But when he had started that, when he sent that out --

Mr. Shapiro. (U) Would he have initiated the order on his own?

Mr. Westmoreland. (U) That's right.

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Mr. Panetta. (U) No, no.

Mr. Westmoreland. (U) Somebody had to tell him to start spinning up.

Mr. Panetta. (U) He wouldn't have been at the Pentagon very long if he had done that.

Mr. Westmoreland. (U) This was sent out because he was following your orders to get everybody --

Mr. Panetta. (U) I assume what's happening, and, again, I don't know -- you're going to be talking to Jeremy -- but normally what happens is that -- when there's something like this going on, that there are liaison-kind of relationships that are continuing at the staff level between Defense, between the White House, between State, and those discussions are going on at a lower level, and I think, frankly, this is part of that.

Mr. Westmoreland. (U) I got that, but on the spinning thing, somebody needs to talk to the countries to get permission and all that stuff. That seems like that that would have had to really have come from somebody else, and he was just following orders and trying to get this stuff ready, and then all of a sudden it was kind of just stopped. You said the FAST team, you had one going to Benghazi. Was there any talk about where it was landed, the FAST team in Benghazi?

Mr. Panetta. (U) Those are obviously details that they would have to look at that once they got there, you would have to assume that they would have to be brought in by helicopter, and those decisions would have to be made as part of the operations plan to actually go

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in, and you'd have to look at the situation on the ground at that point and determine what is it that they could do to try to make sure that they save lives. I did not follow every detail as to how they would ultimately be deployed.

Mr. Westmoreland. (U) Just this last thing, because I know everybody is getting a little anxious, when you say, and there was a list in here of, I think people that, and I don't know what exhibit it is, but I have it somewhere, of who you were talking to, and you say you talked to the Benghazi conference call or representatives from AFRICOM, EUCOM, CENTCOM, TRANSCOM, SOCOM?

Mr. Panetta. (U) I wasn't part of that conversation.

Mr. Westmoreland. [redacted]

Mr. Panetta. (U) No.

Mr. Westmoreland. [redacted]

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Mr. Panetta. (U) No. At the time in talking with General Dempsey, my question was what resources can we deploy as quickly as possible in order to save lives. In that discussion, they talked about, obviously, our fast units. They talked about our in extremis units, [redacted] and those were the primary things that were discussed.

Mr. Westmoreland. (U) Let's just play what-if. Would we have had to get permission to be able to arm those aircrafts there?

Mr. Panetta. (U) I think the problem is that although we used UAVs in the area, that you have to get permission from those countries to be able to arm.

Mr. Westmoreland. (U) You said, in your previous testimony, that if there was American lives in danger, you would getting permission.

Mr. Panetta. (U) Yeah, I know.

Mr. Westmoreland. (U) Would we have used them or not?

Mr. Panetta. (U) I guess we're all speculating here, my sense, it was never brought to my attention; and I assume the reason it wasn't is because General Ham didn't think it was a practical way.

Mr. Westmoreland. (U) Thank you.

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Mr. Chipman. (U) Mr. Pompeo.

Mr. Pompeo. (U) Secretary Panetta, you said lessons learned, that we wanted to have good intelligence going on. That doesn't seem like a new lesson to me.

Mr. Panetta. (U) It's a lesson we keep repeating.

Mr. Pompeo. (U) I don't think that was a lesson learned. Was there an intelligence failure here? That's what you described.

Mr. Panetta. (U) Yes.

Mr. Pompeo. (U) You said we didn't have intelligence adequate intelligence?

Mr. Panetta. (U) Yeah, sure.

Mr. Pompeo. (U) Your judgment was there was an intelligence failure?

Mr. Panetta. (U) That's right.

Mr. Pompeo. (U) You talked about the video you saw afterwards. Did you have real-time video that evening that you were seeing?

Mr. Panetta. (U) No, no.

Mr. Pompeo. [redacted] Right?

Mr. Panetta. (U) I didn't see it, no.

Mr. Pompeo. [redacted]

Mr. Panetta. (U) That's interesting.

Mr. Pompeo. (U) Okay. You said you didn't talk to the President

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that night. When did you next talk to the President after the meeting that you had in the White House? Do you recall?

Mr. Panetta. (U) I don't recall.

Mr. Pompeo. (U) You said shortly after the attack, you said quote -- these are your words, and we can go find them: "You don't deploy forces into harm's way without knowledge of what's going on," end of quote. And because we didn't have real-time information, quote, "we couldn't put forces at risk." Do you stand by that statement?

Mr. Panetta. (U) Yes.

Mr. Pompeo. (U) But that's not true. We put folks in harm's way all the time without perfect real-time information. You did it, in fact, as the Secretary of Defense multiple times. So help me --

Mr. Panetta. (U) We had pretty good information. You don't drop people into a situation unless you have some idea what you're getting into.

Mr. Pompeo. (U) When there's a life at risk, sir, I just fundamentally disagree with you about that. I think we do it all the time to rescue folks, and we would and we should, in fact, do that. That night, you said you were there at the Pentagon. Did you stay there the whole evening?

Mr. Panetta. (U) Again, I can't recall specifically, but normally, I didn't get out of the Pentagon until 11 or 12 o'clock at night.

Mr. Pompeo. (U) Were you there until such time as all the personnel were removed from Benghazi to Tripoli, or did you depart the

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Pentagon before we had all the Americans safely --

Mr. Panetta. (U) I left about 11 or 12 o'clock, and normally, they would ask them to keep me informed of events, but it wasn't until early the next morning that I was informed. By that time, everybody had been removed from Benghazi, and we knew about the four who had been killed.

Mr. Pompeo. (U) That makes perfect sense. The night of the attack on Osama bin Laden there is a famous picture. Everybody is together in the same room. Do you remember it? The U.S. Government behaved radically differently the night of the Benghazi attacks, and there was an American life that we didn't know where he was. Can you explain why you chose on a preplanned attack that we had America's full focus, you all thought you needed to be together in a room, but while we have got the chaos in Benghazi, you all thought you could be either, Secretary Clinton could be at her house. Director of CIA could be at his home. You were at the Pentagon. The President was someplace different yet from that. Tell me why these two important national events when our senior leaders need to coordinate, you all chose to behave in a way that's fundamentally different?

Mr. Panetta. (U) That's not true because --

Mr. Pompeo. (U) Can I gather the four of you were all together just like the night of Benghazi --

Mr. Panetta. (U) I was a CIA Director. [redacted]

The people that were located at the White House were the other

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principals.

Mr. Pompeo. (U) Secretary of State was there. Secretary of Defense was there.

Mr. Panetta. (U) I was basically operating that --

Mr. Pompeo. (U) Right. You would agree the U.S. Government behaved very differently in terms of where the people were located at a time when there were going to have to be mandatory decisions made. The positioning of the decisionmakers was different. How do you explain that?

Mr. Panetta. (U) You're talking about apples and oranges.

Mr. Pompeo. (U) Tell me how that is.

Mr. Panetta. (U) Well, because the bin Laden operation, we knew were going after bin Laden at a compound. We had spent almost 12 months doing surveillance on that compound, gathering intelligence. We still didn't know for sure whether bin Laden was there.

Mr. Pompeo. (U) But you sent Americans in.

Mr. Panetta. [redacted]

(U) It is a very different situation than where you have a crisis, an immediate crisis, in which lives are at stake, and you've got to immediately respond to that. I think it's important to recall that, you know, in Afghanistan, where we are at war, and we have a lot of our equipment located throughout Afghanistan, that, nevertheless,

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there are patrols that go out and people die.

Mr. Pompeo. (U) Yes, sir.

Mr. Panetta. (U) That's a tragedy. But in Afghanistan, for all the equipment, for all the planes, for all the F-16s, for all the stuff we had in Afghanistan, people still died because we weren't able to get there in time.

Mr. Pompeo. (U) All right. I don't disagree. But I still can't figure out why the decisionmakers that night chose not to co-locate to make real good real-time decisions to try and save Ambassador Stevens. There's your explanation, I guess, so if you'd like to add anything else, that's great. But I still am --

Mr. Panetta. (U) When American lives are lost, it is tragic, and this was a tragedy.

Mr. Pompeo. (U) Yes, sir, it was.

Mr. Panetta. (U) And I guess my hope is that we learn from that tragedy and try to make sure that it never happens again.

Mr. Pompeo. [redacted]

Mr. Panetta. (U) My understanding, and, again, almost every week I used to sit down with a whole set of deployment orders on all kinds of units, and I'd go through and sign orders on all kinds of deployments. In this instance, it was based on the State Department request, if there's a State Department request to basically reduce the size of that

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unit, we would have followed their request.

Mr. Pompeo. (U) So it's my understanding that, in fact, Ambassador Stevens, who would normally, the Ambassador would normally sign off on the release of a security team for his facility, did not sign off on that. Am I wrong about that?

Mr. Panetta. (U) I wasn't aware of that.

Mr. Pompeo. (U) Would you approve orders to take a security element away from a place as dangerous as Benghazi, Libya, and convert them to a CT, even when the Ambassador, hasn't received --

Mr. Panetta. (U) I wouldn't approve it if the State Department did not request it.

Mr. Pompeo. (U) Okay. Did you speak to the defense minister of Libya, the senior defense person at Libya, during the course of the events that evening?

Mr. Panetta. (U) I did not.

Mr. Pompeo. (U) Did you consider it and reject the idea, or did you just think there was no chance they could provide assistance?

Mr. Panetta. (U) I think that based on the initial reports, that whatever the host nation was required to do to protect our facility there, that those units had collapsed.

Mr. Pompeo. (U) But you didn't confirm that with the Libyan defense minister?

Mr. Panetta. (U) No. I was trying to still deal with the situation on the ground.

Mr. Pompeo. (U) Do you know why the CIF was ordered to Souda Bay

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and not directly to Benghazi?

Mr. Panetta. (U) I do not.

Mr. Pompeo. (U) And who would we ask? General Dempsey and then start working our way down until we find the decisionmaker?

Mr. Panetta. (U) Probably a good approach. It's a big place.

Mr. Pompeo. (U) It's a big place. Give me just one moment.

On September 14, so a couple days later, we sent Marines into the Embassy in Yemen because there were protests outside the U.S. Embassy. Do you recall that?

Mr. Panetta. (U) I believe I do, yes.

Mr. Pompeo. (U) Do you know why we made a different decision to send folks to that embassy when it was a much less dire situation than Benghazi? Do you know what the decision-making process for that was?

Mr. Panetta. [redacted]

Mr. Pompeo. (U) And then I want to come back, I want to close out with you talked about lessons learned. What would be the appropriate number of hours to be able to rescue a United States Ambassador in a situation just like Benghazi? That is with hindsight today. If you were sitting as the Secretary of Defense, and someone was saying to you, you were reviewing our security posture around the world and somebody said, sir, it's going to take X hours to get to Benghazi, Libya, where we're going to have an Ambassador, how many hours

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would you find to be tolerable as the answer to what X is -- reasonable, excuse me, not tolerable, reasonable?

Mr. Panetta. (U) Let me tell you, it would be nice to do it in 30 minutes, but that's not practical.

Mr. Pompeo. (U) No, sir, I am deeply sympathetic to resource constraints and decisions in risk analysis. In that risk analysis, you have to eventually apply hard math to reach a decision.

Mr. Panetta. (U) Sure.

Mr. Pompeo. (U) Tell me what would be reasonable. I want to look at this going forward, because we have got to protect these State Department workers.

Mr. Panetta. (U) I understand what you're saying, but assuming that you're operating from the bases where we can operate from, which is either Rota in Spain, or Sigonella in Italy, which are the main bases we have because we don't have that capability in Africa to be able to deploy, you're still talking about 9 to 12 hours in transit time. You can, in the very least, ought to be able to cut that down to at least an hour or two preparation and then get on the plain and move.

Mr. Pompeo. (U) That's just an important question for we, the resource granters, to think about what's feasible, what's reasonable, what we ought to shoot for, and you've had a lot of experience in this, so thank you.

Mr. Chipman. (U) We're 5 minutes over our time. Mr. Jordan has --

Mr. Jordan. (U) Just a few quick ones if I could, with the

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indulgence of the minority. Thank you.

(U) Go back to the exhibit, the one that Mr. Westmoreland was on if you would?

Mr. Shapiro. (U) Is that No. 2?

Mr. Jordan. (U) I don't have this one numbered. It's the Department of Defense press statement. The paragraph that they were looking at: Due to the complete intelligence picture on the ground, armed aircraft options were not feasible. If you had complete intelligence, or as close to complete intelligence picture as you could, what would have been those armed aircraft options?

Mr. Panetta. (U) Well, obviously you look at, you know, the potential for deploying AC-130s, F-16s, F-18s, obviously you couldn't send B-2 and B-1 bombers there as well, but at the same time, you've got to consider in deploying them what is required in terms of air refueling to make sure that because you don't want to send planes in the air that can't return, so you've got to have air refueling capabilities.

(U) Secondly, you've got to be able to determine, as best you can, what is the intelligence on the ground, because you don't want them to go in and either buzz or drop bombs without knowing what the situation is on the ground, where is the Ambassador? Where are people located? And, lastly, you've got to provide armaments on those planes, and that takes time in order to be able to fully arm those planes to be able to deal with those contingencies. So all of those questions have to be asked before you suddenly send these planes into battle.

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Mr. Jordan. [redacted]

Mr. Panetta. (U) Sigonella.

Mr. Jordan. (U) Right. So they never got to -- the email says "spinning up to send resources to Benghazi." No one ever gets there, and it's 10 hours after you give the order before they even go, and you testified that the order was go and take the hill. So what I want to know is, was there ever anyone, did you or anyone else ever say stop. Hold on?

Mr. Panetta. (U) No.

Mr. Jordan. (U) Anyone down the chain of command ever say slow this down?

Mr. Panetta. (U) No.

Mr. Jordan. (U) There's nothing that happened on the ground that would change the response time or the quickness or anything?

Mr. Panetta. (U) Not at all, not at all. Look, there's a fundamental principle that our military operates by, which is you don't leave anybody behind. Our military people, if there's anything that I've seen them fully committed to, it's that when our lives are in

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danger, they move.

Mr. Jordan. (U) And I don't doubt that one bit. All I'm saying is you give the order between 6 and 7:19, and no one even takes off for 10 hours. And you've said, well, we have heard there were three different attacks in this timeframe. There was nothing in there that anyone down the chain of command would say, wait a minute, let's slow this down. Let's halt for a second?

Mr. Panetta. (U) No.

Mr. Chipman. (U) Off the record.

[Discussion off the record.]

Mr. Cummings. (U) Mr. Secretary, first of all, I want to thank you for your service. And, you know, many of the questions that I would want answered have already been answered, and I think Mr. Schiff asked you the question about the stand down. When I look at these moments, incidents like what happened in Benghazi, I am convinced that they create for our Nation an opportunity to change, if necessary. In other words, it shows us -- it may show us sometimes what our problems are and how we might be able to correct them.

(U) When you look at this whole thing, is there anything that you see, in looking backwards, that we could have done better, or lessons in the future? And a little earlier you were talking to one of Mr. Pompeo's questions, you were talking about distance in time. And I'm just wondering, would it make a difference if, say, defense had a base here or there? I mean, what else could we do? And then I'm going to ask you about the whole thing of financial constraints.

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Mr. Panetta. (U) Yeah. Sure. Look, you have to begin with the most important missing element here was not having a heads up that there would be a possible imminent attack at this place. Without that information -- we were dealing with a lot of potential problems out there obviously where you could have something happen, but without the kind of intelligence that would have said, we think there's going to be a specific attack, or there will be an attack in Benghazi, the ability to have that information and then to be able to take the steps necessary in order to protect our people, that's just crucial. And I understand that intelligence is a tough business and you don't always have facts, but in that part of the world, it just seems to me that we have got to improve our intelligence capabilities to be able to get ahead of this rather than behind it.

(U) Secondly, obviously, just the security of these facilities and making sure that we have better security at these facilities, I know -- I mean, I knew Chris Stevens as Ambassador, and he was familiar with Benghazi. He had operated in Libya for a long time, and I think he kind of felt that he knew Benghazi, and he didn't want a lot of people around him, because he thought that would affect his ability to be a good Ambassador. I kind of understand where he was coming from. But at the same time, you know, you've got to be aware that you may very well need security in that part of the world, because you don't know what the hell's going to happen from moment to moment.

(U) Thirdly, from the Pentagon's point of view, we ought to be able to respond to these situations on a faster timetable. And so the

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steps we took [redacted] and getting ready to go was important, making sure you have air lift capability there. But I have to tell you that we're still talking about a hell of a lot of time, particularly to get that part of the world, largely because we don't have the bases in Africa that we should have to be able to deploy more quickly. And as you know, a lot of these African nations don't want us to have a presence, a military presence there, but with AFRICOM, it would really make sense to try to pursue some of these countries and say, can we at least have some locations where we can locate some of our forces that may have to respond to some of these events. I think that would be helpful as well.

Mr. Cummings. (U) Now, in your testimony before the Senate Arms Services Committee on February 7, 2013, you said on page 12, and I quote: "Above all -- and forgive me for being repetitious -- we have got to end the cloud of budget uncertainty that hangs over the Department of Defense and the entire U.S. Government. I have got to use this opportunity to express, again, my greatest concern as Secretary, and frankly one of the greatest security risks we are now facing as a Nation, that this budget uncertainty could prompt the most significant readiness, military readiness crisis in more than a decade," end quote.

(U) How does the budget uncertainty affect the military's readiness?

Mr. Panetta. (U) It goes right to the heart of our ability to protect this country. If we have uncertain budgets and we don't know what we're going to be able to have, I can't tell you how much

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uncertainty that creates in terms of the Defense Department and what we're able to do in order to provide the forces, the equipment, the necessary readiness that you have to have if we're going to be the strongest military on the face of the earth. And the problem we have had over these last few years is, as you, more than anyone is aware of, is these unpredictable budget situations where you don't have a budget for the next year, much less have at least a 5-year track of where these budgets are going, to have some kind of budget agreement that would be put in place so that -- look, you know what, if defense is going to be reduced, that's okay. I can handle a reduction in the defense budget, if I know what it is, and I also know what the next 5 years are going to give me. Then I can know where I'm can go in order to be able to go to get the savings that I have to get and not affect our military readiness. But when you have unpredictable budgets, you don't have a firm budget, and then you add on top of that this crazy sequester, which adds an across-the-board cut that doesn't define how it's going to be implemented and sequester then is played out year after year, as you know, then you're left in a situation where you could suddenly have another $500 billion in cuts added to what you're doing.

(U) How do I prepare? I know where it's going to go. It's going to go to readiness. I'm not going to be able to train like I should. I'm not going to be able to maintain as I should. I'm not going to be able to do the kinds of things that need to be done to protect this country because I don't know when the floor is going to fall out from under me. And so it creates uncertainty. It creates a lot of doubt

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within the military as to whether or not they're going to be able to have the resources necessary to be able to do some of the things we just talked about. So if you're concerned about national security, then you damned well ought to be concerned about the budget for national security.

Mr. Cummings. (U) So your advice -- you have served in the Congress -- your advice to us would be?

Mr. Panetta. (U) My advice to the Congress, and I've been saying it for the last number of years, is you ought to come together on a budget deal that deals with this huge deficit that we're going to be confronting, and you ought to put everything on the table. Every budget summit that I was a part of as chair of the Budget Committee, every budget summit I participated in, everything was on the table, taxes, defense, discretionary spending, and entitlements, everything. And you look at all those pieces and be able to put together a budget deal that gives you a certain track as to where you're headed.

(U) And we did that, obviously, the Bush administration put the first budget agreement into place. The Clinton administration budget did the very same thing. And I have to tell you as a consequence of those agreements, we were able not only to reduce the deficit, but to get a balanced budget, and we created certainty about where we were headed. That needs to be done, and I know the politics of it, and I know how tough it is, but if you really want to serve the American people and you want to serve the interests of trying to define what our priorities are, not only in defense, but in the domestic area, you need

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to have a budget.

Mr. Cummings. (U) Mr. Secretary, this is my last question. And I think about how, you know, how in history, history will look back on these moments and somebody is going to read the report that comes out of this, and the thing that I guess I'm most concerned about is that when they read the report, whatever it is, that is based on, that people have a belief that it was credible. In other words, and it was based on integrity, the truth, and as I say, the whole truth, and nothing but the truth. And I just want to be clear. To your knowledge, there was no stand-down -- I mean, to your knowledge, any stand-down orders given with regard to this operation on that night?

Mr. Panetta. (U) No. Never, never. It would have been against everything that the military stands for. You know, the military, their whole focus is on being able to protect particularly their own. That's what they do. To even imply that somehow the military, or someone would have said, Maybe we shouldn't go, it's too risky, it's crazy. It's just not the way our military operates.

Mr. Cummings. (U) You said in answer to one of Mr. Pompeo's questions, he was talking about that we put our people at risk a lot of times when there's danger, and you had said a little earlier that, you know, you just don't plop people down into -- I can't remember your exact words. So what goes into the calculation there? Are you following me?

Mr. Panetta. [redacted]

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(U) And then when they actually go in, you have to calculate what kind of resistance are they going to incur, and how many lives might be lost. All of that has to be part of the calculation. You don't just go charging in. Because if something happens, panels like this, the first question they'd ask is why the hell didn't you ask those questions? Why the hell didn't you prepare for that? So you got to prepare for it, and we owe it to not only the victims that we are trying to help, but we owe it to ourselves to make sure that we do it in a professional way, and that we are effective in accomplishing the mission. My experience is, the military is very effective, when they're told to do a job, I have great confidence that they get it done, mainly because they do take the time to figure out what is it that they're going to encounter and how best to get it done.

Mr. Cummings. (U) Thank you very much.

[Discussion off the record.]

BY MS. SACHSMAN GROOMS:

Q (U) Let's go back on the record. I'm just going to follow up for a minute on what the ranking member was discussing with you and

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Representative Pompeo's questions. Obviously, you, as the Secretary of Defense and United States as a whole, sends individuals in our military into harm's way and takes on risk every day. Right?

A (U) That's right.

Q (U) And sitting from here, we very much appreciate that. But I think the point that you were trying to make was not that you need perfect information to send people into harm's way, but that you need some information to make that an effective activity?

A (U) That's right. That's right. You don't just deploy people into a blind situation where you don't know anything about what's going on.

Q (U) And so, as you are making those kinds of really significant decisions about risk and human life, you need some information, and I assume, depending on the circumstance, depending on a variety of factors, how exactly much information and exactly much risk is going to be a case-by-case analysis?

A (U) Absolutely. Absolutely. If I can mention the bin Laden operation, the bin Laden operation, nobody had 100 percent information that bin Laden was there. The best we had was probably somewhere between 70 to 80 percent, there was some sense that that might be a possibility. We did not know whether or not the Pakistanis, who we did not inform of that operation, would suddenly come out of the wall and we would have a war on our hands, but that was a possibility. You got to take all of those things into consideration, as to the risks of what you're confronting, and then decide is this important enough

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to do it, that we have to go ahead in spite of some of the risks that may be involved.

Q (U) So like General Dempsey said in the quote, I think, we were looking at before, it was not that you or he or the military was risk-averse on the night of the Benghazi attacks, you just needed some information and some amount of time to plan in order to send troops effectively to Benghazi?

A (U) Yeah. I mean, look, the lack of information as to what was going on did not, in any way, stop us from saying we're going to move people quickly to get there. And our hope was that as we were deploying these forces, we would hopefully get additional information so that we would know better what the situation on the ground was that they would be confronting, but it did not stop us from taking the steps that we had to take to try to move forces in place to save lives.

Q (U) And I think you were also asked about why all of the heads of agencies weren't co-located that night, and I just wanted to follow up. If you had been co-located with the other Secretaries that night, could you or would you have done anything more to try and save American lives?

A (U) No, not at all. I mean, the fact is probably -- the other difference is that those people were basically sitting in chairs not, in any way, determining what was going to happen in that operation. They were watching. And the last thing I would want -- as Secretary of Defense, the last thing I want are a bunch of principals in a room that are somehow trying to second guess what the hell I'm doing.

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I mean, I have the responsibility to do this. I'm going to take the steps. If the President doesn't like what I'm doing, he'll deal with me. But I'm not going to go around asking a bunch of other people for permission to do what needs to be done in these situations. The President basically said to me do everything possibly you can to save lives, and that's what I did.

Q () In the last round, you were asked [redacted] and I wanted to read you a quote from General Dempsey that was also from that February 7 hearing before the Senate. He said that the military asset in Souda Bay, Crete, quote, "wasn't the right tool for the particular threat we faced," end quote. Does that fit with what you understood to be -- I mean, he obviously didn't give you the recommendation to use it, so --

A (U) No, no. As I said, that was never even mentioned as an option. Looking back on it, [redacted] what are you going to blow up? What targets are you going to go after? (U) I've heard people say, well, you should have sent F-16s in there. Okay, yeah, so F-16s go in there and they drop a lot of bombs, but where is the Ambassador? Where are our people? What's happening. You don't just do that. You've got to have information, and so it applies to [redacted] Even if you [redacted] and even if they had gone there, what exactly would it blow up?

Q (U) And certainly in the time period when the Ambassador was missing, there would be a concern about dropping a weapon, a bomb?

A (U) Exactly. Exactly. We have had no idea where the

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Ambassador was.

Q (U) You certainly wouldn't have wanted to hit the Ambassador. Is that right?

A (U)_That's right.

Q (U) I want to refer to exhibit 4, and exhibit 4 has the headline DOD timeline of key events and decisions?

A (U) Yeah.

Q (U) I say that because exhibit 4, and I just want to put into the record, is not strictly the DOD timeline of key events and decisions?

A (U) I noticed that. The smaller print is obviously the one that I've seen.

Q (U) So exhibit 3 is the document that the Department of Defense has provided to the committee and to previous committees as the timeline that it created. Exhibit 4 is some of that, and then some additional information on that. It doesn't appear to have any citations as to where that additional information comes from, or whether it's accurate. Do you have any ability to sort of look at it right now and tell me whether the additional information added to it is accurate or not?

A (U) I can't tell you that just quickly looking at it. I'd have to take a little time.

Q (U) So you would refer back to exhibit 3, which is the one --

A (U) Exhibit 3 is the one that we had prepared at the Pentagon and I think reflects the timeline involved here.

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Q (U) I think in the last round, you were asked a number of questions about Susan Rice's talking points and her statements on the Sunday talk shows.

A (U) Right.

Q (U) Did I hear you correctly that you never saw the talking points first?

A (U) I did not.

Q (U) And that you didn't actually watch her statements on the talk shows?

A (U) I did not.

Q (U) So I just wanted to make sure that your statements previously didn't imply that there was or wasn't something in those talking points, or that she did or didn't say something during those Sunday talk shows, if that makes sense? Do you have any reason to believe that the talking points or that her statements themselves didn't have those kinds of qualifications within them, like this is the information that we know at the time, this is ever changing, et cetera?

A (U) Yeah. Again, starting from the beginning, I never saw the talking points. I didn't know what was in those talking points. As a matter of fact, I didn't know she was operating from any particular set of talking points, and as my understanding is, that even during the discussion she gave some qualifiers in terms of the discussion, but the reports that came out obviously were reports that, as to what had been concluded, and I think that was pretty much what I had heard.

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Q (U) And the reports you're referring to are news reports about Susan Rice's statements on the Sunday talk shows?

A (U) Yep.

Q (U) And if we wanted to know what Susan Rice said on the Sunday talk shows, it's probably better to look at what she actually said?

A (U) I think that's probably a good idea.

Q (U) So I want to talk for a quick moment about the DIA, right, which is the Defense Intelligence Agency. That was under the Department of Defense. Is that right?

A (U) That's correct.

Q (U) And we have the underlying intelligence reports from the DIA, but I'm just going to quote quickly from the House of Representatives Permanent Select Committee on Intelligence, because this bit has been put out in an unclassified way. That report said, "On September 12," and I'm quoting, "On September 12, the DIA reported that there were no indications of preoperational planning but that a mix of terrorist attackers," and then it quotes DIA, quote, "likely leveraged a target of opportunity amidst security vulnerabilities created by protest activity," end quote. So the DIA, at the same time, which was part of the Department of Defense, was also reporting that there had been a protest and basically had the same intelligence that we have been discussing coming out of the CIA. Do you have any reason to think that the DIA's intelligence assessments were politicized in any way?

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A (U) No.

Q (U) Do you have any reason to have concern with those assessments?

Mr. Shapiro. (U) The one you just read?

Mr. Panetta. (U) The one you just read?

BY MS. SACHSMAN GROOMS:

Q (U) Yes.

A (U) No. I mean, they're all basically in the same ballpark.

Q (U) And those would have been assessments of career individuals?

A (U) That's correct. Probably working off a lot of the same intelligence that I think CIA probably ultimately used as well.

Q (U) So we had discussed in the last round how, and this is part of your book also, page 431, for those taking notes, that you had had that meeting with Director Petraeus the day after the attacks, and that the conversation came up about the cause of the attacks and you said, I quote: "I questioned it from the beginning, not because I had different information, but because it seemed to me that most spontaneous demonstrators don't arrive for a protest carrying rocket-propelled grenade launchers," end quote.

(U) Is it fair to call your questioning of the assessment of Director Petraeus a gut reaction?

A (U) Yes, that's what it was. I didn't have a lot of information at that point. We were still working off of some pretty preliminary reports, but what I gave him was kind of my opinion, my

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gut reaction to what I thought had taken place.

Q (U) And you weren't working off a different, or additional information than Director Petraeus had?

A (U) No.

Q (U) And, in fact, your DIA was essentially producing the same intelligence reports. Is that right?

A (U) That's correct.

Q (U) In your book, you explained further, and I quote: "Petraeus defended the theory of his analysts, however, arguing that there was so much weaponry floating around Libya that it was plausible in this case, and I think you testified to that earlier. So even at the time before this became sort of a blown-up issue, Director Petraeus was explaining that this was the analysis of his career analyst. Is that right?

A (U) That's right.

Q (U) And it was not a political assessment. Is that right?

A (U) No, no. I mean, frankly, his response I could understand it. I mean, there are a lot of weapons in that part of the world. But, in fact, I mean, I thought it was important to raise that possibility that it might be more than that, just because I think in that room with the national security team, that's where you're supposed to raise these concerns, and that's what I did.

Q (U) Do you have any reason to believe that the analysts, either yours at DIA or at the CIA, that their assessment was shaped in any way by political considerations?

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A (U) No. Knowing how those analysts work, they're pretty professional and basically operate from the information that their sources provide them. That's what constitutes their analysis.

Q (U) And do you have any reason to believe that Director Petraeus was deliberately downplaying some facts or emphasizing others in order to favor a particular political narrative?

A (U) No.

Q (U) I'll ask you the same question about Susan Rice. Do you have any reason to believe that Susan Rice would have downplayed some facts deliberately or emphasized others in order to favor a particular political narrative?

A (U) No.

Q (U) Do you have any reason to believe Director Petraeus was purposely misleading the facts?

A (U) No.

Q (U) How about Susan Rice? Do you have any reason to believe that she was purposely misrepresenting the facts?

A (U) No.

Q (U) Do you have any reason to believe that Director Petraeus altered the initial intelligence assessments because of political pressure?

A (U) No. Let me save you some time by just saying that I don't think anybody involved with this issue, in any way, tried to either mislead the American people, or did not take every step necessary to try to save lives.

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[redacted]

Q (U) Do you have any reason to think that the White House or the State Department exerted any pressure on the intelligence community to reach a particular conclusion with regard to what happened?

A (U) No.

[redacted]

[2:45 p.m.]

Ms. Sachsman Grooms. (U) So Director Petraeus and your DIA analyst would have presented what they thought was the considered judgements of the analysts across the intelligence community based on the information that was available at the time?

Mr. Panetta. (U) And that's what they did. And, you know, Mike Morell, who was my deputy, had something to do with that.

Mr. Shapiro. (U) Your deputy at CIA.

Mr. Panetta. (U) Yeah, he was my former deputy at the CIA. And he's extremely trustworthy and is somebody who does a very honest job at what he's doing. And, you know, his sense is that they were working from the bona fide views of the analysts in terms of the intelligence and assessments that they were making.

BY MS. GROOMS:

Q (U) I'm going to switch subjects a little and just talk for 1 second about the -- 1 minute, I guess -- about your discussion with the President on the night of the attacks.

(U) In your experience, was there anything missing from the directions that you got from the President?

A (U) No, not at all. He was very clear: Do everything necessary to try to save those lives.

Q (U) So you didn't need any more specifics, and you were sure of your orders and your direction?

A (U) Yes, indeed.

Q (U) And is that the kind of order that you would expect from

a President, in your experience?

A (U) In my experience at the White House, those are the kinds of orders that are provided from the President.

Q (U) I'm going to go through a series of questions that we ask every witness. And I'm going to apologize in advance because it's a lot of allegations that have been made. And I'm just going to ask if you have any evidence to support them, and if you say no, we'll just keep going to the next one.

(U) The first one is: It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that Secretary Clinton told Leon to stand down -- and that's, I believe, referring to you -- and this resulted in the Defense Department not sending more assets to help in Benghazi.

(U) Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A (U) Absolutely not.

Q (U) Do you have any evidence that Secretary of State Clinton issued any kind of order to the Secretary of Defense on the night of the attacks?

A (U) No.

Q (U) It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios,

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its highest award for false claims. Nonetheless, this allegation has persisted.

(U) Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying resources to Libya?

A (U) No.

Q (U) Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A (U) No.

Q (U) It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011.

(U) Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011?

A (U) No.

Q (U) It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or other countries.

(U) A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "the CIA was not collecting and shipping arms from Libya to Syria," end quote, and they found, quote, "no support for this allegation," end quote.

(U) Do you have any evidence to contradict the House Intelligence

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Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A (U) No.

Q (U) Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A (U) No.

Q (U) A team of security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause and appropriateness of that delay.

(U) The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down but that, instead, there were tactical disagreements on the ground over how quickly to depart.

(U) Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order to CIA personnel?

A (U) No.

Q (U) Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A (U) No.

Q (U) A concern has been raised by one individual that, in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

(U) Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A (U) No.

Q (U) Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from materials that were provided to the ARB?

A (U) I do not.

Q (U) Let me ask the question also for documents that were provided to Congress. Do you have any evidence that none at the State Department removed or scrubbed damaging document from the materials that were provided to Congress?

A (U) No.

Q (U) It has been alleged that the CIA Deputy Director, Mike Morell, altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

(U) Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the

[redacted]

Benghazi talking points?

A (U) No. And he's not the kind of person that would do that.

Q (U) Do you have any evidence that the CIA Deputy Director, Mike Morell, altered the talking points provided to Congress for political reasons?

A (U) No.

Q (U) It has been alleged that Ambassador Susan Rice made a, quote, "intentional misrepresentation," end quote, when she spoke on the Sunday talk shows about the Benghazi attacks.

(U) Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A (U) No.

Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief," end quote, on the night of the attacks and that he was missing in action.

(U) Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A (U) No, I do not.

Q (U) It has been alleged that a team of four military personnel of Embassy Tripoli on the night of the attacks who were considering flying on a plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered

[redacted]

[redacted]

to remain in place in Tripoli to provide security and medical assistance in their current location.

(U) A Republican staff report issued by the House Armed Services Committee found that, quote, "there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

(U) Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A (U) No, I do not.

Q (U) It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives.

(U) However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

(U) Do you have any evidence to contradict Congressman McKeon's conclusion?

A (U) No, I don't.

Q (U) Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not

[redacted]

[redacted]

to deploy those assets?

A (U) Absolutely not.

Ms. Sachsman Grooms. (U) That's what I have for now. Let's go off the record.

[Recess.]

Mr. Chipman. (U) Okay. Back on the record.

BY MR. DAVIS:

Q (U) Sir, just one quick question. During the last hour and earlier in the day, you had talked about a meeting with all the national security principals where you questioned Director Petraeus' analysts. That occurred the day after the attack. Is that right?

A (U) Yes.

Q (U) And when you say "the day after the attack," was that Wednesday, September 12, or was it Thursday, September 13?

A (U) You know, I'm working by my recollection, but I think it -- at least my memory is that it was soon after -- it could've gone into the next day, but I -- you know, whenever it was, it was the first meeting at the National Security Council to discuss what had happened there.

Q (U) And you're not sure whether that was the 12th or the 13th?

A (U) I'm not, no.

Mr. Davis. (U) Okay. That's it.

Mr. Chipman. (U) And no exhibit used?

BY MR. CHIPMAN:

[redacted]

[redacted]

Q (U) Sir, I've got a little bit of a hodgepodge to clear up with you, Mr. Secretary, and I am going to try to do that as quickly as I can. I am conscious of your schedule.

A (U) Okay.

Q (U) In the first hour, I talked about who sets N-hour. And, at least on this particular operation, you did not set the notification hour.

A (U) That is correct.

Q (U) Your direction was, "Move out as quickly as you can."

A (U) That's right.

Q (U) And so what I would like to mark as exhibit 9 -- this is a copy of an exhibit. I don't have any other copies. This was a document production made by the Defense Department yesterday. It is from a production dated January 7, 2016.

[Panetta exhibit No. 9

Was marked for identification.]

BY MR. CHIPMAN:

Q (U) Sir, at the bottom, there is a note. It is an email from the Joint Staff Director of Operations, the J3, Vice Admiral Kirt Tidd, and it indicates, "Let me know what the N-hour will be." [redacted]

(U) Is it fair to say that there would be the potential for some negotiation between the Joint Staff and those affected commands so that they could set N-hour appropriately?

[redacted]

[redacted]

A (U) Well, I wasn't aware of the discussion, but, you know, I think they would probably have some communication to be able to set that time.

Q (U) Sir, my understanding is based on 33 1/2 years of military service, and I would expect the Secretary of Defense to issue a direction that says, "Move out smartly and draw fire." And I would expect not very much beneath that level --

A (U) You got it.

Q (U) -- from the Secretary.

A (U) You got it.

Q (U) And so I want to make that clear.

A (U) Your experience served you well. That is the case.

Q (U) So, in this particular case, though, you will understand my question earlier, the first round, which said, look, Jeremy Bash says it's 7:19 p.m., we directed the forces to move out that could, in accordance with the Secretary's direction. And so that actual order did not specify the start time until 11 o'clock. And that's why I look at that as 3 hours and 40 minutes lost.

A (U) Well, again, my order was directed to General Dempsey.

Q (U) General Dempsey. And then General Dempsey would then follow on with the Joint Staff and with the National Military Command Center, the combatant commands --

A (U) You've got it.

Q [redacted]

[redacted]

[redacted]

[redacted]

A (U) That is correct.

Q (U) -- 225,000 civilians and 2.5 million servicemembers.

A (U) You got it.

Q (U) Yes, sir.

Q (U) So, when that occurred, then we have the sequence directed. And so, in response to an earlier question, it was exhibit 7, and it said -- this is a question on page 59 that I believe the minority posed, and it is General Dempsey. "Once we started moving forces, nothing stopped us, nothing slowed us." And if you could refer back to that.

A (U) Right.

Q (U) And I think that, from my perspective, Mr. Secretary, I would agree with you that that is an accurate assessment. But it's that idea of "started moving forces" that I think is worthy of some discussion.

(U) And so, if you don't start moving forces until the 11 o'clock order is issued, then you're going to build in some more time. So there is time from the incident to notification to liftoff. There is time from liftoff to arrival. And what I think I would take issue with, at least in part, from this particular statement, is that we seem to have a significant time from the incident to notification to deploy.

(U) And so, if I go back to exhibit 3, again, knowing that --

Mr. Shapiro. (U) Timeline?

Mr. Chipman. (U) The timeline.

[redacted]

[redacted]

BY MR. CHIPMAN:

Q (U) -- knowing that the incident was notified to the Office of SecDef at 4:30, it's that time, between 4:30 and 11, that would cause me to wonder, were we moving out as smartly as you, Mr. Secretary, directed personally.

(U) Is that a fair question? Is that a fair observation?

A (U) You know, I think it's a -- obviously, it's a fair question, but it's not one that I can answer, because, frankly, my view was, "Go," and I assumed that they were moving as expeditiously as they could.

Q (U) Yes, sir. And so one of the things that we as a Nation do is we resource these capabilities you've talked about, these elite forces, these elite units, and we expect a certain level of readiness --

A (U) Right.

Q (U) -- and ability to deploy on the timeline directed.

And so, from the perspective of those who have stopped me to ask about Benghazi, the folks with whom I served in these commands, they say, "Look, we know the timeline. The timeline was not met. Why is that?"

(U) Would you understand that to be a fair question?

A (U) Yeah, I think that's a fair question, you know, as to how these units move and get in place and move out. And, you know, again, from my perspective as Secretary of Defense, I had every confidence that they were moving out as quickly as they could.

Q (U) Yes, sir. And you made it clear that you directed that

[redacted]

[redacted]

in your meetings with General Dempsey and with General Ham.

[redacted]

A Right.

Q (U) -- and it would also include the CINCs or the Commander's In-extremis Force, the folks that were then training in Croatia. Does that comport with your recollection?

A (U) That's correct.

Q [redacted]

A (U) It makes sense to me. But, you know, again, as to the specific timeline, I was not -- you know, the Secretary is not really aware of the specific timeline. My view was: Get them going as quickly as you can.

Q (U) Sir, and, you know, the forces that maintain that alert posture, they do have a required alert capability. Does that seem reasonable?

A (U) Right.

Q [redacted]

[redacted]

[redacted]

[redacted]

A (U) That's correct.

Q [redacted]

A (U) You know, the specifics of what they do or do not have, you know, it's not something I'm that familiar with. But, clearly, my viewpoint was: These are elite forces. When you order them to go, they go.

Q [redacted]

A (U) Correct.

Q (U) Exhibit 4 is, in essence, a series of times and dates and activities, added to by majority counsel, in trying to get a compilation of what appears to be supported by other evidence and by other witnesses we have talked to and by message traffic. So there are no citations on this document, and we can certainly supplement the record, should we need to, with what we are basing these times on.

(U) But it appears that General Ham's guidance was issued certainly by 8:02 p.m., and the EUCOM SOF in Croatia learned then that they might have the potential to deploy into Benghazi.

(U) Sir, we have interviewed that CIF commander, and that is where

[redacted]

[redacted]

that timeframe came in. And I'd ask you to take at face value that he said, "We were notified at about 02. That was local time in Croatia." So that is why I put "XX" there.

[redacted] (U) And that 11 o'clock, as well, is when that CIF commander testified they, he and his team, were ready to roll, but they didn't have an aircraft to bring them down to anywhere.

[redacted] (U) Do you have information that bears upon the availability of aircraft to transport that CIF?

A (U) No.

Q (U) Now, sir, I --

A (U) I would have to add that, in terms of lessons learned, one of the lessons was from that experience, that airlift should be in place with the unit so that they can move.

Q (U) Yes, sir, and you've made that clear, as well.

(U) So what we're trying to explore and what we're trying to come

[redacted]

[redacted]

to grips with as the committee is did, in fact, that aircraft materialize on the schedule required. And it may be that it didn't, sir, because there was no longer a need because we knew the Ambassador was deceased. Does that seem reasonable?

A (U) It could very well be, could very well be, because, you know, as I said, it moved fast, and, you know, within 12 hours all of those individuals had been removed from Benghazi, and we knew at that point that the attack was over. So it might very well have been the case.

Q (U) Yes, sir. And if you go further down that timeline, exhibit 4, if you look at 11:15 p.m. was when that mortar attack occurred at Benghazi Annex.

(U) And so, at best, even if the SOF was ready for transport at 11 p.m., they could not have gotten to --

A (U) That's right.

Q (U) -- Benghazi in any event.

A (U) Because they were going to Sigonella first before they were going to --

Q (U) They were going to Sigonella first, as you directed, or as General Ham directed, or as the order specified. But even if they had been directed to deploy exactly into Benghazi, 15 minutes they're in the air, and that's all they are.

A (U) You got it.

Q (U) So we understand that. And what the committee is trying to determine is if there could have been a follow-on incident or how

[redacted]

[redacted]

did we know that what was going on in Benghazi was over. And so we're trying to determine, did they in fact with the aircraft assets available to transport them from Croatia down to Benghazi, down to Tripoli, down to Sigonella to wherever, and was that timeline met.

(U) And, sir, you have nothing in your experience or recollection that says, I issued an order that relieved everyone from the deployment sequence?

A (U) No.

Q (U) And so, as the Secretary, your expectation was the forces were still directed to move as quickly as possible in accordance with my direction to Sigonella or Souda Bay, Crete, whatever General Ham determined is the appropriate location.

A (U) That's correct.

Q (U) And, again, sir, I don't mean to suggest that anything could have been done differently to affect the outcome in Benghazi, and I think you would agree with that.

[redacted] (U) And are you familiar that there's an after-action review that occurs typically within the Department of Defense after a major incident?

A (U) Yes.

Q (U) And would it surprise you that the special operators, these elite forces, are particularly hard on themselves in an after-action review?

[redacted]

[redacted]

A (U) That's usually the case.

Q (U) If I could mark exhibit 10.

[Panetta exhibit No. 10

Was marked for identification.]

BY MR. CHIPMAN:

Q [redacted]

(U) And if I can draw your attention down to the third line, the second sentence actually, it talks about what a warm start is, in which the command drives the designation of a notification hour. And the next sentence talks about what a cold start is, when an external entity designates N-hour.

(U) And so, obviously, in a particular series of deployments, you'd prefer a warm start, because you have some time to marshal the assets, to determine what your mission planning parameters will be, what additional equipment you might need to have. Does that seem reasonable, from your perspective?

A (U) Yes.

Q (U) Okay.

(U) So, in this case, it talks about it appeared to be a nonstandard cold start. And yet, as I showed you in exhibit 9, it also appeared that the Joint Staff Director of Operations reached out to

[redacted]

[redacted]

the command to say, what would you like as an N-hour?

(U) And so we're trying to determine whether the forces executing your direction were moving with the same urgency you intended. And can you comment on that, sir?

A (U) Well, you know, again, from my experience, they know what they've got to do, and the whole point is to get it done. And I know that they're probably in conversations about how to lay down the N-hour and when they're going to be able to do it, but I'd be very surprised and shocked if anybody was trying to play for time here. I think they were basically operating based on, you know, what time it would take them to be able to get in place and ready to move. I think that's probably what was involved here.

Q [redacted]

A (U) That's -- it would take time.

Q (U) And to do that, you have to have aircraft on a very tight string.

A (U) Yes, indeed.

Q (U) You have to have personnel on a very string.

A (U) Yes.

Q (U) You have to have a load plan predesignated.

A (U) That's correct.

Q (U) You'd have to have rehearsed that operation.

[redacted]

[redacted]

A (U) Correct.

Q (U) And you would anticipate, though, that these elite forces have done all of those things over a period of time.

A (U) My sense would be that these elite forces would be in a position where they could move on an expedited basis.

Q (U) And, sir, you were a fairly young Congressman in 1980 when the Operation Eagle Claw occurred in the Iranian desert.

A (U) Yeah.

Q [redacted]

A (U) That's right. That's right. I remember that.

Q [redacted]

A (U) That's correct.

Q (U) And that CIF that was training there in Croatia is also a part of that same capability.

A (U) That's right.

Q [redacted]

[redacted]

[redacted]

[redacted]

A (U) That's correct.

Q [redacted]

A (U) That is precisely why all of those forces were ordered to go, because of that kind of contingency.

Q (U) Sir, and I think you ordered exactly the right forces to move out and to head toward a position where they could reinforce what was occurring in Benghazi or in Tripoli or elsewhere in the region. And, sir, I don't disagree with the actions you took, the recommendations you made, and the decisions you directed.

[redacted] (U) we've got the force coming from Croatia, we've got the Marine FAST platoon coming to reinforce the embassy in Tripoli. And you knew then that we had already had the embassy wall in Cairo breached on that same day, the 11th of September. We'd had the assault in Benghazi on the 11th.

(U) And so your planning, the Chairman's planning, the Joint Staff's planning, General Ham's planning, I think, would have been logically focused on, "What's coming next?"

A (U) That's right.

Q (U) Is that fair?

A (U) That's right.

[redacted]

[redacted]

Q (U) And so you knew of there -- you'd already identified the risks in Sana'a and Yemen and Khartoum and Tripoli and Cairo. And so I think the concern that I have had in reviewing these documents is, why wouldn't we go ahead and move those forces as quickly as we can to get them postured? Would you agree with that?

A (U) That's correct.

Q [redacted]

A (U) That's correct.

Q (???(U)) And so we interviewed that young CIF commander, who said, at about 02, I was notified to get ready for a deployment. By 5 o'clock that morning, my team and I were assembled and ready to roll, 3 hours later.

(U) Does that seem like a reasonable timeframe to get ready for a deployment?

A (U) Yes, it does.

Q Well, that same unit then had to wait for aircraft till about, if you look at the timeline here, 10:21 a.m.

(U) So that N-hour that was set at 11 o'clock east coast time on the night of the 11th, it was not until 11 hours later that EUCOM CIF was actually transported down to Sigonella from Croatia.

(U) Does that timeframe seem reasonable to you, given what you thought might be occurring in the region?

[redacted]

[redacted]

A (U) I think it's a legitimate area to ask why did it take that long.

Q (U) Sir, and we will explore that as best we can with those officers who might be in a position to address that, whether General Dempsey, General Ham, or operational types at AFRICOM.

(U) Sir, you mentioned in the last hour an incident of Koran burning by the military. And I want to make sure that we could clean that one up on the record at least.

(U) To your recollection, was this when the Bagram prison guards may have thrown some Korans in a burning bonfire?

A (U) You got it. That's right.

Q (U) Yeah. And they did so thinking that these were comments written by the detainees?

A (U) I believe there was a strange reason as to why they were doing it, but it obviously raised a lot of hell at the time.

Q (U) And I'd like to also make sure that we go back and revisit -- Congressman Pompeo mentioned that Ambassador Stevens had requested the standing -- or had requested the --

Mr. Shapiro. (U) Site security team.

BY MR. CHIPMAN:

Q (U) -- site security team in Benghazi.

Sir, did you have any recollection of a site security team in Benghazi?

A (U) No.

Q (U) The committee has not seen any records to that effect.

[redacted]

[redacted]

A (U) I was not aware of that.

Q (U) We have seen records of a site security team in Tripoli that was working earlier, but we have not seen any records of a Benghazi-based site security team.

(U) Sir, you mentioned the last thing you want in terms of a crisis management is a bunch of principals in the room. Is that from your experience as a principal in a variety of different agencies?

A (U) You got it.

[Panetta exhibit No. 11
Was marked for identification.]

BY MR. CHIPMAN:

Q (U) Sir, if I could hand you exhibit 11. And if I could direct your attention -- exhibit 11 is identified as [redacted]

(U) And if I could direct your attention to where the blue flag is, on the back side of that page, it's a memo dated June 21, 1995, "Mr. President," from Todd Stern. And immediately above that it says, "Leon concurs."

(U) Would you be the Leon that concurs in this particular document?

A (U) Well, you'd have to -- there weren't a hell of a lot of Leons around at that time, so I assume that was me.

Q (U) And, in June of 1995, were you indeed the President's chief of staff?

A (U) That's correct.

[redacted]

[redacted]

Q (U) Okay.

(U) [redacted]

Mr. Shapiro. (U) I'm sorry, where are we?

Mr. Chipman. (U) Howard, if you look at that memo dated June 21, 1995, it's about three pages from the back.

Ms. Sachsman Grooms. (U) Can we just pause for a minute?

(U) The document you've given him and marked as an exhibit is a [redacted]

Mr. Chipman. (U) That's correct.

Ms. Sachsman Grooms. (U) So I'm having a little bit of trouble understanding what this has do with our Benghazi investigation.

Mr. Chipman. (U) It has to do with the organization of a national security response to counterterrorism. And one of the things the committee is charged to do is to ensure that we make recommendations that bear upon how we should conduct our response to counterterrorism.

Ms. Sachsman Grooms. (U) Okay. But this is a very old [redacted]

Mr. Chipman. (U) Yes, it is.

Ms. Sachsman Grooms. (U) I mean, I --

Mr. Chipman. (U) Do you have an objection as to privilege?

Ms. Sachsman Grooms. (U) I don't have an objection. I'm just at a loss as to what relevance this has. I mean, it's quite a long document. We're trying to go quickly. I could stop and read the whole document. But it's certainly from a previous administration.

[redacted]

[redacted]

Mr. Chipman. (U) It is indeed from a previous administration.

Ms. Sachsman Grooms. (U) To a previous administration.

Mr. Chipman. (U) To a previous administration.

[redacted]

(U) And what I am trying to determine, Mr. Secretary, is, does the Foreign Emergency Support Team, in your experience both as the Secretary of Defense and the Director of Central Intelligence, does it still have a role in managing the U.S. response to a terrorist event?

Ms. Sachsman Grooms. (U) So is this a question about 1995 or currently?

Mr. Chipman. (U) No, I asked, currently, does the FEST still exercise a role in responding to a terrorist event?

(U) Because it appears to still be a valid organization on the State Department's Web site. It appears to still have a role. [redacted]

(U) And I am wondering, sir, if you've got any experience in

[redacted]

[redacted]

working with the FEST or in knowing of the FEST?

Mr. Panetta. (U) No, it doesn't ring any bells at all.

Mr. Chipman. (U) Okay.

[Panetta exhibit No. 12

Was marked for identification.]

BY MR. CHIPMAN:

Q (U) And so, sir, what I would like to hand you is the next exhibit. And it's from the State Department Web site, dated January 5, 2016, and it discusses the FEST.

(U) So, again, the same people who have queried me about the U.S. Government's response to what occurred in Benghazi have consistently asked, was the FEST launched, why didn't we launch the FEST. And I'm trying to determine whether, as you debated the options that were available that night with General Ham, General Dempsey, as you met with the President and the National Security Advisor in the White House that evening earlier, was there ever any discussion of the deployment of the Foreign Emergency Support Team?

A (U) No.

Q (U) That's all I need, sir.

BY MR. DAVIS:

Q (U) Sir, just two very quick questions.

(U) Director Petraeus was here speaking with us on Wednesday. Have you had an opportunity to discuss this testimony with Director Petraeus?

A (U) No.

[redacted]

[redacted]

Q (U) Have you seen Director Petraeus since his testimony?

A (U) No.

Q (U) Okay.

(U) You were aware of a CIA annex in Benghazi. Is that correct?

A (U) I was aware that there was a CIA presence there. You know, exactly where they were located, I was not.

Q (U) Sure. And had you been aware of that since your time as CIA Director?

A (U) That's correct.

Q [redacted]

A (U) Yeah. [redacted]

Mr. Shapiro. (U) Which you can't get into.

Mr. Panetta. [redacted]

Mr. Chipman. (U) Off the record.

[Discussion off the record.]

BY MS. SACHSMAN GROOMS:

Q (U) You've made a joke a couple of times that you wouldn't necessarily want a number of principals in the room when making a decision.

A (U) Well, that was specifically related to something that,

[redacted]

as Secretary of Defense, I was authorized to do.

Q (U) Sure. I just wanted to clarify, do you have any doubt that, if you had had all of the principals in the room from the different agencies, that anyone would have disagreed with your decision to order the forces to go as immediately and as quickly --

A (U) No.

Q (U) -- as possible to save American --

A (U) No, not at all.

Q (U) I know we spent some time in the last round -- and, to be fair, we have interviewed, I believe, quite a number of commanders below you about exactly what they did and when they did it.

(U) But I want to go back to exhibit 4, which is the Republicans' timeline that they've put together. And it lists within here 1:40 a.m. -- and this is D.C. time, Washington, D.C., time -- the first wave of American personnel depart from Benghazi for Tripoli via airplane. And the second wave departed at 4 a.m.

(U) At the point when individuals had evacuated Benghazi and were safely in the process of evacuating Benghazi, would you have expected your military commanders to still be sending troops to Benghazi for --

A (U) No. No.

Q (U) -- the FAST team, the Special Forces?

A (U) Look, the whole purpose of this was to try to go in and save lives. If those lives had either -- obviously, these lives, some of these were lost, but there were a lot of other U.S. personnel there. If they were all evacuated out of Benghazi, then there's not a lot of

[redacted]

[redacted]

reason to go in.

Q (U) So we've heard from the commanders that, at that point, they remissioned the Special Forces, the different troops. Is that what you would have expected?

A (U) That makes sense.

Q (U) And they remissioned them to cover other areas in the region that were also showing some signs of issues.

A (U) Yeah, no, again, that makes sense. We're dealing with a lot of potential areas there. You've just got to be ready to move to other places, if needed.

Q [redacted]

A (U) Yeah, no, I think it's pretty clear that, no matter how you cut this, this attack, you know, was over, and within 12 hours they had been taken out of Benghazi. And almost any other scenario as to how you could get people there, it would have been impacted by the fact that the attack had moved quickly and that it was over.

Q (U) And not only that the attack itself was over but that the mission was to evacuate the people, and the people were --

A (U) U.S. personnel had been removed. That's correct.

Q (U) And then there was no more mission in Benghazi, other

[redacted]

[redacted]

than to remove the U.S. personnel from there.

A (U) That's correct. That was the whole point, try to save their lives.

Q (U) So regardless of meeting the N-hour or not meeting the N-hour or moving slightly quicker, the time distance to travel still would have prevented them from getting there before the American personnel would have evacuated.

A (U) It took 9 to 12 hours just to get, you know, from Rota, Sigonella, to get there. So, you know, it would have been -- with the preparation time, you know, assuming that they really expedited it as quickly as they could, it still would have been very difficult to get there on time.

Q (U) And, obviously, these questions have been raised repeatedly over and over throughout the years. When you were still at the Defense Department, did you examine these issues with General Dempsey?

A (U) Yeah. I mean, I talked to General Dempsey about these, and I think we've always, you know, concurred that, you know, we did everything possible to try to do what we could to save lives and that, unfortunately, because of time and distance and because of the speed of attack, that we just could not get there in time.

Q (U) And because of the speed of the evacuation?

A (U) That's correct. Which was actually a good thing. I mean, moving these people out within 12 hours was actually pretty good. And we then picked them up in Tripoli and moved them to Ramstein. And

[redacted]

[redacted]

I think that process saved lines. I mean, I do think some of the wounded were helped as a result of that.

Q (U) And there was that DOD-led team that immediately responded from Tripoli to Benghazi. Is that right?

A (U) The individuals that were part of that, yes.

Q (U) And they were part, then, of the real team that was involved in evacuating in those 12 hours?

A (U) That's right.

BY MS. RAUCH:

Q [redacted]

(U) And one more thing, that's a strategic level. You work at the strategic level. This is the operational and tactical level. And that's very common. Is that fair to say?

A (U) That's correct. That's correct. I mean, as I said, I was not made aware of the fact that those personnel had engaged in that mission until the next morning.

[redacted]

Q (U) And that's not something that's unusual --

A (U) That is not unusual.

Q (U) -- because there are so many people that -- you mentioned millions work for you, so that's not an unusual situation.

A (U) That's right. I give a lot of credit to those people for having the courage to be able to do what they do. I think that helped save lives.

BY MS. SACHSMAN GROOMS:

Q (U) I think just one more. So, in the last round, you were asked a number of questions and, sort of, whether they were fair questions, fair inquiries, whether it was reasonable to inquire about those issues.

(U) A number of those issues have been inquired about before and have been addressed by General Ham, who answered a number of the questions today about the CIF. He has appeared six to seven times before Congress.

(U) You know, I didn't want your statement to be misinterpreted to say that you believe that those questions should be continuously asked, repeatedly, after they've been answered. So, you know, if General Ham has --

A (U) Let me just make clear --

Q (U) Yes.

A (U) -- I am a former Member of the House of Representatives. In my book, the whole purpose of this place is to ask questions. And for that reason, you know, I take a broad approach to people asking

[redacted]

questions, because that is the nature of -- in our democracy, representatives have that responsibility.

(U) How many times the same question is asked can be, you know -- I guess you could raise concerns that. But, at the same time, I've always accepted the process for what it is.

Q (U) But when --

A (U) I just hope you have a fair result. Let me put it that way.

Q (U) But when you inquired internally within the Department about the speed in which people acted that night, were you satisfied by the results?

A (U) I was, because, you know, it was pretty clear when I got there early the next morning that, you know, the attack was over, people had been removed from Benghazi, and that we had done everything we could to try to get our people there.

(U) There was no question in my mind that, at least from my perspective, everything possible had been done to try to do what we could to save those lives. I've never had a question -- I never had a question then and I don't even have a question now that we did everything possible to try to see if we could save lives, in line with the President's order.

Ms. Sachsman Grooms. (U) Well, I thank you very much.

(U) We'll go off.

[Whereupon, at 3:40 p.m., the interview was concluded.]

[redacted]

EXHIBIT 1

The White House
Office of the Press Secretary

For Immediate Release September 10, 2012

Readout of the President's Meeting with Senior Administration Officials on Our Preparedness and Security Posture on the Eleventh Anniversary of September 11th

Earlier today the President heard from key national security principals on our preparedness and security posture on the eve of the eleventh anniversary of September 11th. Over the past month, Assistant to the President for Homeland Security and Counterterrorism John Brennan has convened numerous meetings to review security measures in place. During the briefing today, the President and the Principals discussed specific measures we are taking in the Homeland to prevent 9/11 related attacks as well as the steps taken to protect U.S. persons and facilities abroad, as well as force protection. The President reiterated that Departments and agencies must do everything possible to protect the American people, both at home and abroad.

EXHIBIT 2

S. HRG. 113–164

DEPARTMENT OF DEFENSE'S RESPONSE TO THE ATTACK ON U.S. FACILITIES IN BENGHAZI, LIBYA, AND THE FINDINGS OF ITS INTERNAL REVIEW FOLLOWING THE ATTACK

HEARING

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

FEBRUARY 7, 2013

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APPENDIX A—DEPARTMENT OF DEFENSE PRESS RELEASE REGARDING DETAILED TIMELINE

DOD Releases Detailed Timeline for Benghazi Response

By Karen Parrish
American Forces Press Service

WASHINGTON, Nov. 10, 2012 – The Defense Department released a detailed timeline yesterday of the Pentagon's response to the September attack in Benghazi, Libya, that left four Americans dead, including U.S. Ambassador J. Christopher Stevens.

A senior defense official, speaking on background with Pentagon reporters, emphasized the rapid consultation, planning and troop pre-deployment actions defense leaders undertook in the first hours following the attack.

"With naval, Marine, special operations and air forces either employed or en route to Libya during the attacks, we responded," the official said. "We mourn the loss of four American heroes in Benghazi."

The military's initial response began within minutes of the first incident in Benghazi, the official said: the attack on the U.S. consulate began at 3:42 p.m. EDT [9:42 p.m. Benghazi time], and by 5:10 EDT an unarmed surveillance aircraft was on station over the Benghazi compound.

By 5:30 p.m., all surviving Americans had left the consulate, the official noted, adding that defense officials didn't have that information until later.

The senior official noted that for people to understand the sequence of events in Benghazi, "it's important to discuss the wider context of that tragic day."

In the months before the attack, the official said, hundreds of reports surfaced of possible threats to U.S. citizens and facilities across the globe. In the Middle East and North Africa on Sept. 11, the official added, U.S. facilities in more than 16 countries were operating on a heightened force-protection level, based on specific threats.

"I would note … that there was no specific or credible threat that we knew of on the day that the attacks … occurred in Benghazi," the official said.

The official acknowledged that since Sept. 11, many people have speculated on whether increased military intervention, including the use of manned and unmanned aircraft, might have changed the course of events in Libya that night.

"Unfortunately, no alternative or additional aircraft options were available within … [enough time] to be effective," the official said. "Due to the incomplete intelligence picture on the ground, armed aircraft options were simply not feasible."

The DOD timeline records that in the first hours following the initial attack, Defense Secretary Leon E. Panetta and Army Gen. Martin E. Dempsey, chairman of the Joint Chiefs of Staff, conferred first with the president, and shortly after with senior officials including Army Gen. Carter F. Ham, who leads U.S. Africa Command. Africom's area of responsibility includes Libya.

During those meetings, the official said, Panetta verbally ordered two fleet antiterrorism security team, or FAST, platoons to prepare to deploy from their base in Rota, Spain. The secretary also issued verbal prepare-to-deploy orders for a U.S. European Command special operations force then training in Central Europe and a second special operations force based in the United States.

At 6:30 p.m. EDT, according to the timeline, a six-person security team, including two DOD members, left the U.S. Embassy in Tripoli for Benghazi.

The official noted the Pentagon's National Military Command Center staff, within hours of the attack, began planning support and contingency operations with transportation and special operations experts, as well as with representatives from the four services and Africa, Europe and Central commands. By 8:39 p.m., the official said, the command center had started issuing written orders for the forces the secretary had alerted.

At 11 p.m. EDT, the official said, a second unmanned, unarmed surveillance aircraft relieved the first, and at 11:15 p.m. -- around 5 a.m. Sept. 12 in Benghazi -- the second U.S. facility there, an annex near the consulate, came under mortar and rocket-propelled grenade fire.

By 1:40 a.m. EDT Sept. 12, the first wave of Americans left Benghazi for Tripoli by airplane, with the second wave, including the bodies of the fallen, following at 4 a.m. A C-17 aircraft, under Africom direction, flew the evacuees from Tripoli to Germany later that day, the official said.

As the timeline makes clear, the official said, the evacuation took place before the FAST platoons or special operations forces arrived, although all were converging on Libya -- noting repeatedly that DOD leaders lacked a clear picture of enemy, civilian and American positions in the area.

"There are people out there who have suggested that an overhead surveillance aircraft could have perfect visibility into what was happening on the ground, and on that basis alone, you could send in a team," the official said. "That is not necessarily how things work."

An overhead surveillance aircraft operating at night over a city can't always help military members separate friend and foe on the ground, the official said.

"You get a lot of good information from a surveillance aircraft, … but it doesn't necessarily provide you a complete and instant picture of what is happening on the ground. … If you're going to undertake military action, you'd better have solid information before you decide to take the kinds of steps that are required to effectively complete a military mission of this sort," the official told reporters.

Over the roughly 12 hours between the start of the attacks and the time the last Americans were evacuated from Benghazi, the official said, defense leaders postured forces to meet any contingencies that might develop, as there was no way to know in the early, "murky" stages whether the situation would be resolved within hours, days or longer.

"We absolutely had our forces arrayed in a way that could potentially respond to events that might unfold," the official said. "We are an excellent military -- the finest in the world. We're always prepared. But we're neither omniscient nor omnipresent."

EXHIBIT 3

THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1300

LEGISLATIVE
AFFAIRS

MAY - 1 2013

The Honorable Howard P. "Buck" McKeon
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I write in response to your April 17, 2013 letter to Secretary Hagel requesting a classified version of the Department of Defense (DoD) timeline of the attack on U.S. facilities in Benghazi, Libya.

The Department has made every effort to provide the Committee a comprehensive understanding of the Department's actions before, during, and after the attack in Benghazi. Specifically, the Department issued an unclassified timeline which captures significant DoD actions in response to the evolving situation in Benghazi. This timeline, which is attached, was supplied to Congress on November 9, 2012. The substance of this timeline was publicly released on November 10, 2012. In addition, the Department contributed to the National Counterterrorism Center's classified timeline dated November 13, 2012, previously provided to the congressional intelligence committees, congressional appropriations' defense subcommittees, and House and Senate leadership offices by the Office of the Director National Intelligence on November 14, 2012. The Department did not produce a formal classified timeline, but rather only draft working products to assist witnesses and briefers in preparation for numerous Congressional engagements. By practice, such draft working products are not distributed beyond DoD.

The Department has participated in numerous staff and Member engagements including classified briefings to Committees of jurisdiction. The Department has also responded to dozens of written requests for information in an effort to provide Congress a detailed chronology of the Department's actions surrounding the attack.

The Department remains committed to accommodating Congress in its oversight responsibilities including your investigation of the attack in Benghazi. Please feel free to contact me for any additional information you may need.

Sincerely,

Elizabeth Lee King

Attachment:
As Stated

cc:
The Honorable Adam Smith
Ranking Member

Timeline of Department of Defense Actions on September 11-12, 2012
All times are Eastern Daylight Time (EDT, Washington, DC)
and Eastern European Time (EET, Benghazi)

Tuesday, September 11, 2012
EDT // EET

~3:42 pm // 9:42 pm	The incident starts at the facility in Benghazi.
3:59 pm // 9:59 pm	An unarmed, unmanned, surveillance aircraft is directed to reposition overhead the Benghazi facility.
4:32 pm // 10:32pm	The National Military Command Center at the Pentagon, after receiving initial reports of the incident from the State Department, notifies the Office of the Secretary of Defense and the Joint Staff. The information is quickly passed to Secretary Panetta and General Dempsey.
5:00 pm // 11:00pm	Secretary Panetta and General Dempsey attend a previously scheduled meeting with the President at the White House. The leaders discuss potential responses to the emerging situation.
5:10 pm // 11:10 pm	The diverted surveillance aircraft arrives on station over the Benghazi facility.
~5:30 pm // 11:30 pm	All surviving American personnel have departed the facility.
6:00-8:00 pm // 12:00-2:00 am	Secretary Panetta convenes a series of meetings in the Pentagon with senior officials including General Dempsey and General Ham. They discuss additional response options for Benghazi and for the potential outbreak of further violence throughout the region, particularly in Tunis, Tripoli, Cairo, and Sana'a. During these meetings, Secretary Panetta directs (provides verbal authorization) the following actions: 1) A Fleet Antiterrorism Security Team (FAST) platoon, stationed in Rota, Spain, to prepare to deploy to Benghazi, and a second FAST platoon, also stationed in Rota, Spain, to prepare to deploy to the Embassy in Tripoli. 2) A EUCOM special operations force, which is training in Central Europe, to prepare to deploy to an intermediate staging base in southern Europe. 3) A special operations force based in the United States to prepare to deploy to an intermediate staging base in southern Europe. During this period, actions are verbally conveyed from the Pentagon to the affected Combatant Commands in order to expedite movement of forces upon receipt of formal authorization.
~6:30 pm // 12:30 am	A six-man security team from U.S. Embassy Tripoli, including two DoD personnel, departs for Benghazi.

~7:30 pm // 1:30 am	The American security team from Tripoli lands in Benghazi.
~8:30pm // 2:30 am	The National Military Command Center conducts a Benghazi Conference Call with representatives from AFRICOM, EUCOM, CENTCOM, TRANSCOM, SOCOM, and the four services.
8:39pm // 2:39 am	As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization for the two FAST platoons, and associated equipment, to prepare to deploy and for the EUCOM special operations force, and associated equipment, to move to an intermediate staging base in southern Europe.
8:53pm // 2:53 am	As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization to deploy a special operations force, and associated equipment, from the United States to an intermediate staging base in southern Europe.
~11:00 pm // 5:00 am	A second, unmanned, unarmed surveillance aircraft is directed to relieve the initial asset still over Benghazi.
~11:15 pm // 5:15 am	The second facility in Benghazi comes under mortar and rocket propelled grenade fire.

Wednesday, September 12, 2012

12:05 am // 6:05am	AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Americans.
~1:40 am // 7:40 am	The first wave of American personnel depart Benghazi for Tripoli via airplane.
~4:00 am // 10:00 am	The second wave of Americans, including the fallen, depart Benghazi for Tripoli via airplane.
8:15 am // 2:15 pm	The C-17 departs Germany en route Tripoli to evacuate Americans.
1:17 pm // 7:17 pm	The C-17 departs Tripoli en route Ramstein, Germany with the American personnel and the remains of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty.
1:57 pm // 7:57 pm	The EUCOM special operations force, and associated equipment, arrives at an intermediate staging base in southern Europe.
2:56 pm // 8:56 pm	The FAST platoon, and associated equipment, arrives in Tripoli.
3:28 pm // 9:28 pm	The special operations force deployed from the United States, and associated equipment, arrives at an intermediate staging base in southern Europe.
4:19 pm // 10:19 pm	The C-17 arrives in Ramstein, Germany.

EXHIBIT 4

This exhibit was not cleared for public release.

EXHIBIT 5

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMM.
REVIEWED FOR SENSITIVE INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.
C05890653 Date: 10/20/2015

STATE-SCB0060705-MOU

From: Bash, Jeremy CIV SD <Jeremy.Bash[redacted]
Sent: Tuesday, September 11, 2012 7:19 PM
To: Sullivan, Jacob J <sullivanjj@state.gov>; Sherman, Wendy R <ShermanWR@state.gov>; Nides, Thomas R <NidesTR@state.gov>
Cc: Miller, James HON OSD POLICY <james.miller[redacted], Winnefeld, James A ADM JCS VCJCS <james.a.winnefeld[redacted]; Kelly, John LtGen SD <John.Kelly[redacted]; martin.dempsey[redacted]
Subject: Libya

State colleagues:

I just tried you on the phone but you were all in with S.

After consulting with General Dempsey, General Ham and the Joint Staff, we have identified the forces that could move to Benghazi. They are spinning up as we speak. They include a SOF element that was in Croatia (which can fly to Suda Bay, Crete), and a Marine FAST team out of Roda, Spain.

Assuming Principals agree to deploy these elements, we will ask State to secure the approval from host nation. Please advise how you wish to convey that approval to us. Burns/Nides/Sherman to Miller/Winnefeld would be my recommended course.

Jeremy

C05890653 Date: 10/20/2015
STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMM.
REVIEWED FOR SENSITIVE INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 6

S. HRG. 113–164

DEPARTMENT OF DEFENSE'S RESPONSE TO THE ATTACK ON U.S. FACILITIES IN BENGHAZI, LIBYA, AND THE FINDINGS OF ITS INTERNAL REVIEW FOLLOWING THE ATTACK

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identify specific locations for the new detachments. We will identify any necessary resource and force structure adjustments to support this initiative.

Although there was not a Marine Security Guard detachment posted to the Benghazi Temporary Mission Facility, based on our review of all Embassy security incidents that occurred in September 2012, in Tunis, Cairo, Khartoum, and Sana'a, we have initiated coordination with the Department of State to expand the Marines' role beyond their primary mission to protect classified information. This could include expanded use of non-lethal weapons, and additional training and equipment, to support the Embassy Regional Security Officer's response options when host nation security force capabilities are at risk of being overwhelmed.

3. Enhanced Intelligence and Military Response Capacity

Third, we are focused on enhancing intelligence collection and ensuring that our forces throughout the region are prepared to respond to crisis, if necessary.

The U.S. military is not and should not be a global 9–1–1 service capable of arriving on the scene within minutes to every possible contingency around the world. We have forces on alert and prepared to move, but our ability to identify threats, adjust posture, prevent plots and respond to attacks to our personnel at home and overseas depends on actionable intelligence.

Therefore, we are working with the State Department and the Intelligence Community to ensure our collection and analysis is linked with military posture and planning. We are working to enhance our intelligence collection, improve the responsiveness of contingency assets, and adjust the location of in-extremis reaction forces. At the same time, we're working closely with State to ensure they have our best estimate of response times for each at-risk diplomatic facility, so that they can make the best informed decisions about adjustments to their staff presence in areas of increased security threat.

AN ADEQUATE RESPONSE DEMANDS ADEQUATE RESOURCES

I firmly believe that DOD and the U.S. Armed Forces did all that we could do in response to the attacks in Benghazi. We employed every asset at our disposal that could have helped save the lives of our American colleagues. We will support efforts to bring those responsible to justice.

Going forward, we intend to adapt to the security environment to ensure we are better positioned and prepared to support the Department of State in securing our facilities around the world. But in order to be able to effectively protect the American people and our interests abroad at a time of instability we must have an agile and ready force, and above all, we must end the cloud of budget uncertainty that is hanging over the Department and the entire U.S. Government.

That brings me to my greatest concern right now as Secretary, and frankly the greatest security risk we are facing as a nation, which is the budget uncertainty which could prompt the most significant military readiness crisis in more than a decade.

Right now, DOD faces the prospect of sequestration beginning March 1. If Congress fails to act and sequestration is triggered, and if we also must operate under a year-long continuing resolution, we would be faced with a significant shortfall in operating funds for our Active Forces with only 7 months remaining in the fiscal year. This will damage our national defense and compromise our ability to respond to crises in a dangerous world.

The responsibility of dealing with this crisis rests with the leadership of the Nation. I know that the members of this committee share the deep concerns I have raised about sequestration, and I urge you to do the responsible thing and avoid weakening our national defense. The State Department and Intelligence Community also must be provided with the resources they need to execute the mission we expect of them—including the enhancements I've described today.

Whatever steps are required to be taken to properly posture U.S. forces for possible emergency response operations would be seriously impacted by the readiness crisis caused by uncertainty or dramatically reduced resources. The responsibility to protect our citizens rests with both the administration and Congress.

Thank you.

Chairman LEVIN. Thank you very much, Secretary Panetta.

General Dempsey.

STATEMENT OF GEN MARTIN E. DEMPSEY, USA, CHAIRMAN, JOINT CHIEFS OF STAFF

General DEMPSEY. Thank you, Mr. Chairman and Senator Inhofe. I will compress my opening remarks, just if you would allow me to endorse what the Secretary just said, in particular the part about the effect of sequestration.

I would also say that this hearing continues our full support to every effort and every request to understand and learn from this tragic event.

I want to also commend the men and women of our Nation's diplomatic corps. They are selfless and courageous. They do hard things in hard places. I've stood with them in Iraq and in Afghanistan, where their words are America's reputation and where their outstretched hand is America's promise.

In Benghazi, we lost four fellow servants of the Nation—Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty. To their family and friends, I offer my personal condolences. We mourn their deaths even as we honor their service. We honor them most by taking what we learned from their loss to prepare for an uncertain future.

Thank you.

[The prepared statement of General Dempsey follows:]

PREPARED STATEMENT BY GEN MARTIN E. DEMPSEY, USA

Chairman Levin, Senator Inhofe, distinguished members of the committee, thank you for inviting us to address the attacks in Benghazi on 11 September 2012. As Secretary Panetta stated, we have fully supported every effort and every request to understand and learn from this tragic event.

Allow me to begin by publically honoring the service of our State Department colleagues. The men and women of our Nation's diplomatic corps are selfless and courageous. They do hard things in hard places. I have stood side-by-side with them in Iraq and in Afghanistan where their words are America's vision, where their deeds are America's reputation, and where their outstretched hand is America's promise.

In Benghazi, we lost four fellow servants of the Nation—Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty. To their family and friends, I offer my personal condolences. They were among the very best our Nation has to offer the world. They acted bravely for our Nation and for the Libyan people. We mourn their deaths even as we honor their service.

We honor them most by taking what we learn from their loss to prepare for an uncertain future. We must keep working together—as we are doing here today—to adapt our missions and our forces in order to advance America's national interests. Our own security depends on our ability to build relationships even under the most challenging of conditions.

The conditions in Libya and all of North Africa were then and remain highly dynamic. The balance of influence is shifting. The social contract between the governed and the government is being negotiated in the streets. Mobile technology and social media have helped to accelerate the pace of change. Weaker security institutions are facing more empowered non-state actors. Included in this combustible mix are terrorists seeking to capitalize on the chaos.

Although today we are focused on Benghazi, we must not forget that it was September 11 everywhere. On that day, we were postured to respond to a wide array of general threats around the globe. We positioned our forces in a way that was informed by and consistent with available threat estimates. In fact, U.S. facilities in many countries throughout the Africa Command and Central Command areas were operating under heightened force protection levels.

As events unfolded, we assessed the situation based on the available intelligence. We considered the risk to U.S. Government personnel as protests broke out across

the region. General Carter Ham's sound judgment proved critical as we analyzed the complex, rapidly evolving situation and our range of response options.

Our military was appropriately responsive. We acted quickly once notified of the attacks on the Temporary Mission Facility. As a result of our posture and our ongoing operations, we were able to divert an unarmed, unmanned reconnaissance aircraft to Benghazi within minutes. It arrived on the scene approximately an hour later.

We also repositioned forces based on direction from the President of the United States and Secretary of Defense. We deployed a Fleet Antiterrorism Security Team to Tripoli while a second team prepared to deploy. We directed the deployment of a Special Operations Force in the United States and one already in Europe to intermediate staging bases. We also provided C–17 airlift for medical evacuation. We did what our posture and capabilities allowed.

This does not mean we accept the status quo as sufficient for this new security environment. We have worked closely with the State Department over the last several months to help improve the security of our diplomatic missions. Our work has been informed by the recommendations of the Accountability Review Board for Benghazi. I commend Ambassador Tom Pickering and my predecessor Admiral Mike Mullen for their valuable work.

Specifically, the military has deployed some of our best security experts alongside State Department personnel to reassess the threat to many high-risk diplomatic posts. We anticipate that this will result in a request to increase our presence at the most vulnerable posts. We are looking at how to resource a request for 35 Marine Security Guard detachments at new locations. We have also adjusted the alert posture of security augmentation forces in the most volatile areas. But, we are not done adapting to the emergent security landscape. We will continue to work with the State Department and Congress to examine additional, proactive options for improving security.

In closing, I offer my sincere thanks to this committee for your dedication to keeping our military strong. I share your commitment to supporting those who serve in both a military and diplomatic capacity to keep America immune from coercion.

Chairman LEVIN. Thank you very much, General Dempsey.

Let's have a 7-minute round for the first round to get to everybody, and if we need a second round we can do that. We got a little bit of a late start here this morning.

Mr. Secretary, you ended up with your plea on sequestration and the need to avoid it, and I totally agree with you. There, I think, is near universal agreement, perhaps universal on this panel, about the devastating impacts that sequestration is likely to have on DOD and on other Federal agencies as well.

I believe, as you do, that it is incumbent on Congress and the executive branch to work together to avoid sequestration. Toward that end, I as one member of the Senate have advocated for a balanced solution to sequestration that includes both revenues and spending cuts. I've suggested a specific proposal that would raise revenues by closing loopholes that some corporations use to avoid taxes by shifting income outside of the United States. I've worked with colleagues and in the Senate on suggested solutions. I will continue to do so and your clarion call here this morning I hope will encourage all of us to work in any way that we can to avoid sequestration.

Now, yesterday you spoke in Georgetown, announced a series of steps that the Department will have to take almost immediately with respect to deployments, maintenance, contracts, other obligations if Congress and the President don't act soon to address the issue. We've received memoranda from other senior DOD officials laying out steps that would have to be taken if sequestration is not avoided.

Can you give us a timetable? You've already announced some actions that you're taking, which you're putting in place now, so that

even if we can avoid sequestration in the next few days or a week from now or 2 weeks from now, some things are being taken even before the end of February and before we know whether we can avoid sequestration. Can you tell us, first of all, whether or not these actions would be reversible if, in fact, we avoid sequestration in, say, a week from now or 2 weeks from now? Do you echo the President's call for a balanced approach to avoid sequestration, to include both spending cuts and additional revenues?

Secretary PANETTA. Mr. Chairman, first of all, let me indicate, and I think General Dempsey can add to this, the reason we're having to do this and take actions now is because we're operating at a spend rate right now that envisions that we would have gotten a fiscal year 2013 appropriations bill. Unfortunately, we have no fiscal year 2013 appropriations bill. We have a CR.

But we've been operating at least in these first months based on a spend rate that is in line with what we thought we were going to get for fiscal year 2013. If sequester hits on March 1 and then if we get a CR, as opposed to getting an appropriations bill, then we're going to be obligated to take out almost $46 billion plus out of our budget. That would have to take place in the remaining months of this fiscal year.

If we protect the warfighters, if we protect those in Afghanistan, if we protect some of our critical deployments, we're looking at having to take most of that, as I said, out of readiness. So what we're trying to do is to slow down that rate of spending that's going on so it will not require as deep a dive as we're going to have to have in readiness—so what we're doing and what I've urged the Chairman and the Service Chiefs is to take steps to try to implement savings now.

We've implemented a freeze on hiring. We've implemented a freeze on temporary hires. We're probably going to impact about 46,000 jobs. We are impacting about 46,000 jobs just by doing that. We're cutting back on maintenance. We're cutting back on other areas in order to try to find what we can.

Most of this is reversible. Most of this, if we don't get sequester, we're going to be able to reverse and be able to get back on track. But obviously if we hit sequester then—some say sequester might just happen for a period of a few weeks, which I doubt, frankly, if it goes into effect. But the impact of sequester then will multiply the impact on our readiness.

Look, there's only one way to deal with this. I've been saying it time and time again and I think there are members here that agree. You have to address the larger deficit issue, and to address a large deficit issue in my own experience, having participated in every budget summit that we've had in past years, you have to be able to develop a balanced package in order to do that. That's just the nature of dealing with the size deficits that you have.

My preference, frankly, is that Congress would do the big deal, get it done, get this behind us, detrigger sequester, stop this constant uncertainty, this month-to-month situation where we don't know what the hell we're going to get. That should end.

In the absence of that deal, obviously I'll support whatever package you can put together to try to detrigger sequester, whatever you can do to make sure this doesn't happen. I cannot imagine that

people would stand by and deliberately hurt this country in terms of our national defense by letting this take place.

General DEMPSEY. I'll only add briefly that most of the things we're doing are reversible. That is our goal, that they would be reversible. But even if you reverse them, it will take some time, and I can't predict that yet. We're trying to stretch readiness.

I want to make sure you realize one other thing. We took the decision on the carrier postponement very seriously because there's a human dimension to this. If you're getting ready to deploy, you cancel your rent, potentially you cancel your apartment, you sell your car, you cancel education classes. There's a human aspect to this. Now we postpone it and they're still there. So the effects are felt even now.

Chairman LEVIN. Okay, I guess that ends my time.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

I think the skunk is about to arrive at the picnic, but I'd like to share a couple of things, first of all clarify some things to make sure that we all understand things that are incontrovertible facts. The National Military Command Center at the Pentagon, after receiving the initial reports of the incident from the State Department, notified the Office of the Secretary of Defense and Joint Staff. This information quickly passed on to the two of you, is that correct?

Secretary PANETTA. That's correct.

Senator INHOFE. I have a great deal of respect for General Ham and his two predecessors after we developed AFRICOM. I was somewhat significant in that effort. Of course, AFRICOM, with the exception of Egypt, has the continent and it has the control of that. It would have operational control of DOD assets in the event that action in and around Libya would be necessary.

Now, AFRICOM consistently faces resourcing shortfalls. I know that sometimes you don't hear this loud and clear, but we do over a period of time. We know you can't continue to expand into new areas, as we did in AFRICOM. Let's keep in mind, we didn't have any activity there, and you know this, prior to the time that we made the conscious decision after September 11, the original September 11, that we have a serious problem in Africa and we're going to have to deal with that problem. We came up with the idea of forming five African brigades. A lot of these things are going on right now.

Did you have any conversation, either one of you, with General Ham regarding the security situation in North Africa prior to these attacks the subject of today?

Secretary PANETTA. Senator, I'm in almost continual touch with General Ham. He provides me regular reports from AFRICOM as to the issues he's dealing with. There is no question that that area of that combatant command has increased in terms of the threats that we're dealing with and it's increased in terms of the issues related to going after elements of al Qaeda.

Senator INHOFE. Did he ever request additional assets there, Mr. Secretary?

Secretary PANETTA. Senator, my view was whatever General Ham asked, we did more than try to respond.

Senator INHOFE. I know you did, and we did, too. I've talked to him about this and we know that the assets just weren't available when you look at the other places. It's not as if only one place is on fire. They're all on fire right now and this is the problem that we have.

The Washington Post columnist said that the President had a briefing with the Principals Committee to review the threats and the mitigation of the threats. This would have been the day before. The Principals Committee, it's my understanding, is made up of the Secretary of Defense, the Secretary of State, the Director of National Intelligence, and some others.

Were the two of you at this hearing or this meeting? It would have been the day before, September 10.

Secretary PANETTA. I believe I recall being at a meeting that looked at what the potential threats were as a result of going into September 11.

Senator INHOFE. I have a chart over here, and I'm sure you've had a chance to see it. No one questions the chain of events that happened. On the left side are the things that happened prior to all of this, what I consider to be warning signals that anyone should be able to look.

Recognizing the resource problem that we have, what was the assessment of the threat in Libya at the time of this Principals Committee meeting, either one of you?

General DEMPSEY. If I could, Senator, the meeting is a routine monthly review of counterterror operations worldwide.

Senator INHOFE. It happened to be on the 10th, yes?

General DEMPSEY. Right. It wasn't uniquely focused on North and Western Africa, although clearly North and Western Africa are areas of emerging threat.

Senator INHOFE. I'm sure that subject was there. I can't imagine it wouldn't be with all the problems that are on that chart and that you're aware of.

The only thing I'd say in criticism of you, Mr. Secretary, is you've said so many times and you gave such a passionate plea to resolve this problem. You've talked about the problem that is there. You can't continue to look at Congress when, in fact, we have in the President's own budget in the 4 years, the first 4 years that he was there, $5.3 trillion in deficit. It's an oversimplification, but you can say that almost all of government under his budget has increased by about 10 percent, except for the military, except for defense.

Now, I can debate that with anyone who wants to debate, but that has to be said because this is a problem that we have dealt with and you've talked about. But we have to get on record that this administration has not given the priorities to the military, and that's my statement. You can either agree with or not agree with. We're going to have to do something about it.

About an hour and 20 minutes after the first attack on the Benghazi compound, Secretary Panetta, you and Chairman Dempsey were at the White House for a pre-scheduled meeting on a different topic at that time. I think that's when Tom Donilon came in and informed all of you and the President about what happened in Benghazi. Is that about the right timeframe?

Secretary PANETTA. Yes. I think we have regular meetings with the President. This was one of our weekly meetings with the President. I should tell you that just before I went into that meeting I got an update that there had been the attack there. So it was something I introduced to the President.

Senator INHOFE. Oh, I see. Okay, that's a good clarification.

Let me do this in the interest of time. I want to make two definitions here. One would be the definition, I call it the compound, some call it the "Temporary Mission Facility." It doesn't really matter what you call it. That was what would be comparable to an embassy, it was a compound.

One attack was on the compound. The other was on the annex. That was about an hour later and that was about a mile away. So those two things we want to clarify. I think both of you would agree those, it could be argued, are separate attacks that took place.

The other definition that I'd want in terms is either these two attacks or one or the other would be classified as a spontaneous eruption of violence or a planned terrorist attack. I think CBS reported that the counterterrorism officials—okay, let me just run through this real quick here, if you'd give me a little tolerance here, Mr. Chairman.

Chairman LEVIN. We do have to stick to our 7-minute rule. So a little tolerance, of course.

Senator INHOFE. A little tolerance, all right.

Chairman Dempsey, at the time of the meeting at the White House took place, about 11 o'clock, how would you have characterized the attack—or either one of you—on the compound, not the annex; the compound?

General DEMPSEY. At that point I didn't know. I just knew there were Americans——

Senator INHOFE. It could have been either one, couldn't it?

General DEMPSEY. That's right.

Senator INHOFE. It could have been a spontaneous thing or it could have been preplanned. We don't know that right now.

General DEMPSEY. Right.

Senator INHOFE. But I would have to ask you the same question about the annex. Wouldn't you agree that that was a preplanned terrorist attack unequivocally?

Secretary PANETTA. At the time, obviously, when this was going on, we weren't sure what was taking place there. But when I later found out that you had RPGs and mortars and there was an attack on that second facility, there was no question in my mind it was a terrorist attack.

Senator INHOFE. My position on that would be that they knew that at the time, because I've talked to several different people who stated that they knew it, and unequivocally that would have been a terrorist attack.

Of course, the thing I'm getting at, do you agree, Mr. Secretary, that it was unequivocally a terrorist attack on the annex?

Secretary PANETTA. When I appeared before this committee 3 days afterwards, I said it was a terrorist attack.

Senator INHOFE. Very good. That's what John Brennan said also, and he used the word "unequivocally." I would have to say that

we'll have to understand some time, someone's going to have to ask the question: If that was true and we knew all of that at the time on that Sunday that this presentation by Ambassador Susan Rice, before all of America said it was: "we have today is that, in fact, this was not a preplanned, premeditated attack."

I won't even ask you to respond to that, but I think it's important that people understand that everybody knew on that Sunday that it was a preplanned, premeditated attack.

Thank you for your tolerance, Mr. Chairman.

Chairman LEVIN. Thank you.

Senator Reed.

Senator REED. Thank you, Mr. Chairman.

Thank you, Mr. Secretary and General Dempsey.

There were, as you point out in your testimony, two attacks, one on the compound, one on the annex. But as the time chart indicates, there seems to be a significant gap between the first attack and the annex at midnight and the deployment of mortars and RPGs. Did that indicate to either of you that it took a while for them to organize themselves to conduct a full-blown attack on the annex, that, in fact, it was something akin, General Dempsey, to one of a meeting engagement, where they seized an opportunity and then they quickly fill in and supplement their firepower and begin a much more coordinated attack, suggesting there was a degree of improvisation here as well as planning?

General DEMPSEY. The second one, Senator, was clearly much more deliberate, much more planned, but probably was as well opportunistic, because the people had moved from the Temporary Mission Facility. There was a considerable gap.

But I would say two things in addition. First, we accept the general timeline. Also—because it's consistent with the ARB.

Second, though, is the gap didn't cause us to do anything differently. We acted based on the first attack and it was a matter of time and distance at that point.

Senator REED. But the timing of the attack suggests—and it's very difficult to sort out—a degree not only of planning, but improvisation; is that a fair judgment?

General DEMPSEY. I haven't thought about the word "improvisation." It was very well-executed. They dropped six mortar rounds on a roof at some distance. That was pretty well done.

Secretary PANETTA. I think there's no question that it was deliberate, it was opportunistic. I really believe that a lot of this was precoordinated, particularly with regards to the second attack.

Senator REED. Very good.

Going forward, Secretary Panetta, you have already indicated that you're going to augment embassy security personnel with additional Marine Corps forces. You also point out, which I think was not entirely apparent before this attack, that the Marine Corps' major mission was internal security and protection of classified documents.

Secretary PANETTA. That's right.

Senator REED. Now you're talking about an enhanced mission. Can you suggest some aspects of this enhanced mission?

General DEMPSEY. Yes, sir. Thanks. The MSGs actually have fundamentally three missions: principally the protection of classi-

fied materials. They have a secondary mission of helping to protect the personnel who occupy the embassy; and the third one is support for communications.

What we're looking to do is, in select locations around the world, with the support and collaboration of the State Department and with the Marine Corps, obviously, who have to build this, is to, let's call it, thicken certain locations. But to be clear, we will never be able to put a Marine Corps security detachment into a country which is located in a hostile area. The host nation has to guarantee at some level the protection of our facilities or we should make a decision to thin it out or potentially close it.

Senator REED. Another related aspect of this issue is that clearly, even with this expanded role, that security at diplomatic missions is the responsibility of the State Department and the resources for that, other than the Marine Corps presence, are State Department resources, and those resources in your view to complement what you're doing should be enhanced, Mr. Secretary?

Secretary PANETTA. That's correct. We are working with the State Department and that's why we came up with this almost 1,000 more marines that we would try to deploy at those embassies that are identified as the most vulnerable.

Senator REED. Let me follow up on the issue of AFRICOM, because it is our newest unified combatant command. You have taken steps to provide them with more ready reaction forces, for want of a better term. Can you indicate the current posture of what General Ham has available, understanding it's a big area of responsibility (AOR), with long distances, and if you don't have adequate intelligence, it's hard to even preposition resources to react. But what have you been doing to help?

General DEMPSEY. I would never drag you into our internal processes, but we have an annual process called the global force management process, where combatant commanders and Service Chiefs collaborate on distribution of the force worldwide based on the threat assessments, national security interests.

AFRICOM is particularly challenged because of the commitments we have elsewhere, but also because of the lack of basing and authority to place facilities internal to the continent. As a result, most of their resources reside in southern Europe or afloat when we have them.

In terms of what we've done to augment, he will have, effective 1 October, his own commander's in extremis force. We have positioned Fleet Antiterrorism Support Teams and put them on a various changing level of alert posture. So if you think about response, it's a combination of alert posture and flight time, with the necessary, if you can get it, access into a country to land and flow. We are better postured today to respond to preemptive requests from the State Department, in other words left of bang, than we were. When something happens, it becomes a far different situation.

Senator REED. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Reed.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

Secretary Panetta, I join with all others in thanking you for your many years of service. It's been an honor to have known you and I appreciate your leadership of DOD. I'm sure you will continue to contribute in the future, and we will miss you.

General Dempsey, I was just going over your written statement and I have to admit it's one of the more bizarre statements that I have ever seen in my years in this committee. When you're talking about the Benghazi issue you say: "We positioned our forces in a way that was informed by and consistent with available threat estimates." Then you go on to say: "Our military was appropriately responsive," even though 7 hours passed and two Americans died at the end of that. Then you go on and say: "We did what our posture and capabilities allow."

There's a base at Souda Bay, Crete, General. There's a base there. It's about an hour and a half flight by a—I've forgotten the kind of plane that I took when I went to Benghazi. Included in all of those factors on that board there, there was a message sent, an urgent message sent back to the State Department on August 15 that "they could not," the consulate, "withstand a sustained attack on the consulate."

On September 11, I will argue that there was no outpost in all of our diplomatic corps that had that sequence of events, these warnings, including many warnings from our Ambassador about the lack of security, including even a message that was found in the rubble of the consulate by a CNN reporter weeks later.

So for you to testify that our posture did not allow a rapid response—our posture was not there because we didn't take into account the threats to that consulate, and that's why four Americans died. We could have placed forces there. We could have had aircraft and other capabilities as short a distance away as Souda Bay, Crete.

So for you to testify before this committee that they were consistent with available threat estimates is simply false. That our military was appropriately responsive—what would have been an inappropriate response, since any forces—no forces arrived there until well after these murders took place and obviously your capabilities allowed you to be positioned to intervene very shortly?

Finally, all of this is a result of the so-called light footprint. After Qadafi fell many of us made it very clear that they needed our help—secure the arms caches, help them secure their borders, a lot of technical assistance. But because of the light footprint, we did not provide. So it was almost predictable, almost, maybe not predictable, that bad things were going to happen in Libya, because here was a fledgling government that had never governed before, without the assistance that we could have provided them with.

I begged you, Secretary Panetta, for example, to send a hospital ship over there to help treat their 30,000 wounded. What did we do? We sent a couple to hospitals in the United States of America.

So I'll be glad to hear your response, General Dempsey, as to how the available threat estimates you were informed by, how our military was appropriately responsive since four people died 7 hours later, with the thousands—hundreds of airplanes, ships, planes, and men and women who are serving available in that part

of the world; and how did you do what your posture and capabilities allowed?

General DEMPSEY. Thank you, Senator. Let me begin by saying I stand by my testimony, your dispute of it notwithstanding. But I would like to say that we based——

Senator MCCAIN. Perhaps you can give me some facts that would substantiate it.

General DEMPSEY. Sure, I will, Senator. We base our response on the combined effects of what we get from the Intelligence Community—and that's the network of intelligence agencies—as well, importantly, based on what we get from the State Department and the chief of mission and chief of station in the country.

Senator MCCAIN. Did you ever get the message that said they could not withstand a sustained attack on the consulate?

General DEMPSEY. I was tracking that intelligence. I was tracking through General Ham——

Senator MCCAIN. Did you receive that information?

General DEMPSEY. I did, and I saw it——

Senator MCCAIN. So it didn't bother you?

General DEMPSEY. It bothered me a great deal. But we never received a request.

Senator MCCAIN. Then why didn't you put forces in place to be ready to respond?

General DEMPSEY. Because we never received a request to do so, number one; and number two——

Senator MCCAIN. You never heard of Ambassador Stevens' repeated warnings about the lack of security?

General DEMPSEY. I had, sir, through General Ham. But we never received a request for support from the State Department, which would have allowed us to put——

Senator MCCAIN. So it's the State Department's fault?

General DEMPSEY. I'm not blaming the State Department. I'm sure they had their own assessment.

Senator MCCAIN. Who would you blame?

General DEMPSEY. Sorry, sir?

Senator MCCAIN. Who is responsible, then? It is clear that an assessment was made that they could not withstand a sustained attack on the consulate, with it being September 11 and many other indications that are on that board over there and the various attacks that have already taken place.

General DEMPSEY. I stand by the report of the ARB. But I would also say, Senator, I was also concerned at that time with Sanaa in Yemen, Khartoum, Islamabad, Peshawar, Kabul, Baghdad. We had some pretty significant intelligence threat streams against those places as well.

Senator MCCAIN. I've seen some of those estimates and none of them rose to the level of the threat in Benghazi. Did they rise to that level, that they could not withstand a sustained attack?

General DEMPSEY. Yes.

Senator MCCAIN. They did?

General DEMPSEY. Yes, they did.

Senator MCCAIN. So basically you're saying what our postures—our capabilities allowed, you did what our capabilities allowed. We

didn't have the capability to station forces as short as Souda Bay, Crete?

General DEMPSEY. There were forces——

Senator MCCAIN. Do we have those capabilities?

General DEMPSEY. We do have those capabilities, but even those——

Senator MCCAIN. But we didn't use those capabilities.

General DEMPSEY. Sir, based on time, distance, and alert posture, as I said to Senator Reed a moment ago, they wouldn't have gotten there in time.

Senator MCCAIN. It's an hour and a half flight, General, if you'd have had them based there at Souda Bay, Crete.

Finally, I would ask again both of you what I asked you last March when 7,500 citizens of Syria had been killed. It's now up to 60,000. How many more have to die before you recommend military action? Did you support the recommendation by then Secretary of State Clinton, and then head of the Central Intelligence Agency (CIA) General Petraeus, that we provide weapons to the resistance in Syria? Did you support that?

Secretary PANETTA. We did.

Senator MCCAIN. You did support that?

General DEMPSEY. We did.

Senator MCCAIN. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much.

Senator Udall.

Senator UDALL. Good morning, gentlemen. Thank you for appearing here today. I also want to add my voice to those here, Mr. Secretary, in thanking you for your long service to our country, and we wish you well as you return to your walnut farm and your grandchildren in California.

General, I'd like to look more broadly at the challenges that we face in Africa. I want to acknowledge that on September 11, 2012, when this tragic incident occurred, that you were fighting a war in Afghanistan, you were conducting counterterrorism missions all over the globe, training troops, patrolling our skies and seas, hunting war criminals, and providing humanitarian relief. Despite that enormous mission load, you've clearly taken the deaths of these four State Department employees in Benghazi to heart as if they were your own. We will learn from this. We will do everything possible to ensure that doesn't happen again. Secretary Clinton made that clear in her compelling testimony over the last weeks and I know you share that point of view.

So again, turning to Africa, I know that we've conducted training and developed partnerships with a number of African militaries for years, I think in North Africa as well as in the Sahel. Talk a little bit about those training relationships, those formal ties, and how they're going to help us deny extremists the opportunity to develop footholds in that part of the world? Specifically, should we be expanding training missions like Operation Flint Walk or building other DOD-State Department partnership programs in the AFRICOM AOR?

General DEMPSEY. The short answer is yes, but I won't stop at the short answer. The threat network that exists in North Africa and West Africa is a group of disparate organizations, some of

which aspire to and have, in fact, embraced the al Qaeda ideology, who network themselves and syndicate themselves as they find common cause, or to take advantage of ungoverned space.

So to your point, Senator, what we're seeing here in the aftermath of, call it what you will, the wave, the Arab Spring, the changes in North and West Africa which have created some ungoverned space, is, in fact, a place where we have to be very careful not to allow these movements to take sanctuary.

We are always best at addressing those working through partners, whether they're bilateral partners. It's a little challenging now to have a relationship with a bilateral military force that is itself brand new in some of these countries. So we've been also working with regional security apparatus, for example African Union Mission in Somalia, and Economic Community of West African States (ECOWAS) in West Africa.

To your point, though, we do have to do more to enable those partners to control that ungoverned space so that it doesn't become a sanctuary.

Secretary PANETTA. Senator, if I could.

Senator UDALL. Please, Mr. Secretary.

Secretary PANETTA. We've learned a lot about how to confront terrorists and al Qaeda-affiliated groups, not only from what we've done in the Federally Administered Tribul Areas (FATA) and Afghanistan and Iraq, but the fact is that we have some very effective operations in Yemen. General Ham did an outstanding job in Somalia, where a few years ago we thought Somalia had no chance to be able to stabilize. But as a result of the countries in the region, as well as our providing some direct assistance there to assist the forces there and to be able to get the intelligence they needed to go after Al-Shabab, we have had a very effective operation there at undermining al Shabab and their strength in Somalia.

We're taking the same lessons, General Ham is taking the same lessons and applying those to other areas in the region, trying to determine how can we best assist the countries in the region through intelligence, through training, through our presence, be able to ensure that we develop better security in their countries as well. He's doing a great job at developing that capacity.

Senator UDALL. Mr. Secretary, would you—are you suggesting, I should say, that part of what we've done in Somalia and what we see developing in these other countries is by focusing on resource shortages, creating more educational opportunities, using smart power, if you will, we're seeing some success? It's conditional success, but what's happening in Somalia gives us hope that there's further utility for these approaches?

Secretary PANETTA. I agree with that.

Senator UDALL. Could I turn, since you're here—and I know this is on everybody's mind—to sequestration. Would you lay out your thoughts generally or specifically? In particular, if we allow sequestration to take hold would that require fundamental change in our National Military Strategy?

Secretary PANETTA. Absolutely. I'd have to—as I've said, look, the $487 billion that we were handed through the Budget Control Act to be able to reduce the defense budget over 10 years, we understood that we had a responsibility to do our part with regards

to deficit reduction. But we wanted to do it in a way that wouldn't hollow out the force or make these across-the-board cuts that would hurt every area of the military.

So we developed a strategy, a defense strategy, that we thought represented what the force of the 21st century ought to look like. Then we built a budget based on that. We've recommended savings pursuant to that budget that were incorporated in our fiscal year 2013 budget. Frankly, we were doing the same thing for fiscal year 2014.

If sequester takes place and we suddenly have another half a trillion dollars that I have to take out of the defense budget in an across-the-board fashion, frankly, the defense strategy we put in place I'd have to throw out the window, and it would clearly seriously impact particularly on maintenance and readiness. As I said, we would have a terrible readiness crisis.

But as time went on and the erosion that would take place in our capabilities, instead of being a first-rate power in the world, we'd turn into a second-rate power. That would be the result of sequester.

Senator UDALL. General Dempsey, if I could follow up on the Secretary's general analysis of where we are. We're talking about increasing the number of Marine Corps security personnel at our embassies. If sequestration went into effect, how would that affect our other missions? I think this is—you're potentially robbing Peter to pay Paul.

General DEMPSEY. That's right. We haven't done that analysis, but what I will say is it would cause us—we'd have to go back and look at our national security interests, as we always do, and make sure that we're addressing them in the right priority. I think where you would see it affect us most quickly and most prominently is in the—last year we talked about rebalancing to the Pacific. We also talk internally about the balance we have vertically. If rebalancing to the Pacific is a horizontal activity, vertically we have to decide how much of the force can we have forward, how much rotational, how much in the Homeland. That balance would change and you'd have less ability to project power forward, which means you're less able to deter enemies and assure allies. That's a significant change.

The second place is in the defense industrial base. We would have significant challenges in our factories, in our depots, that will have a long-term effect.

Senator UDALL. I know my time has expired and you may want to answer this for the record later. But we're just finally, it feels like, getting a handle on operations tempo (OPTEMPO) for our personnel, and what I hear you implying in that answer is that we're going to go right back to a one-to-one or a one-to-two even OPTEMPO for our men and women in uniform. We've asked a lot of them over the last 12 years. We've really stressed the force.

General DEMPSEY. I can answer that really quickly. You won't find this Chairman arguing that we need to do more with less. You'll find me arguing that if that happens, we need to do less with less.

Senator UDALL. We'll leave it there. Thank you again, gentlemen.

Chairman LEVIN. Thank you, Senator Udall.

Senator Chambliss.

Senator CHAMBLISS. Thanks very much, Mr. Chairman.

Mr. Secretary, you and I have been friends for all of my now going on 19 years in Congress. I value that friendship and I'm very appreciative of your service to our country and your commitment to our country.

Gentlemen, both of you have in previous statements as well as in your comments today used the term "terrorist attack," "deliberate attack," "precoordinated attack," as well as other adjectives to describe this incident. Mr. Secretary, you have been a leader in the Intelligence Community, of course being at the CIA, so you've been on both sides of the issue, providing intelligence as well as receiving intelligence. Would you consider this incident to be an intelligence failure?

Secretary PANETTA. I think that some of the initial assessments that were made, they should have taken more time to assess the full situation as to what had taken place. In intelligence, like everything else, you make some initial assessments and then you go back and you look at it and look at it again, get more information, build a picture of what took place, and then, based on that, hopefully provide a much more accurate picture of what had taken place. I think some of the initial assessments here were not on the money.

Senator CHAMBLISS. General Dempsey, how would you respond as to whether or not this was an intelligence failure?

General DEMPSEY. Senator, we get asked that question a lot, actually, after anything happens. This one I actually think of more as an intelligence gap. I think there is an impression—there's two impressions that have worked against us over time. One is that we can be as responsive as necessary. That's not always the case. There are some issues of time and distance and basing rights and overflight rights that actually affect us in our ability to be responsive.

The second one is that we can—we're all-seeing and all-knowing. There are some places on the planet where we have some gaps and I think North Africa is probably one of them.

Senator CHAMBLISS. To both of you: If you had had intelligence that there was a storm brewing among this group of individuals, however we characterize them, with respect to an attack at some point in time on that facility in Benghazi, obviously you'd have been prepared for it; is that a fair statement?

Secretary PANETTA. There's no question. The example of that is we've had a number of other embassies that have faced, like Khartoum, that we thought there was a real threat to Khartoum. We had advance intelligence that that was the case and we were prepared to move people out. As a matter of fact, the Embassy took steps to move some people out. We've done that there. We've done that in several other areas. Where we get that kind of advance notice, we can respond.

Senator CHAMBLISS. You're familiar with the timeline that's on that chart over there. Suffice it to say that there were attacks on the Embassy—excuse me, on the compound—beginning in March 2012. There were a series of other attacks on western assets, both U.S., Red Cross, U.K. Was the President aware of that timeline of all of those incidents that occurred?

Secretary PANETTA. I'm not sure.

Senator CHAMBLISS. Were each of you aware of each of those incidents that had occurred?

General DEMPSEY. We were. Every week General Ham sends a report to the Secretary of Defense on events in his AOR and he copies me. He had been tracking the security situation in Libya.

Senator CHAMBLISS. Would that report not go to the President?

General DEMPSEY. No, not routinely.

Senator CHAMBLISS. Would you not have discussions with the President about hot spots around the world and what was going on?

General DEMPSEY. No, we do.

Senator CHAMBLISS. Do you know of any other place in the world, General Dempsey, where this number of attacks had occurred over this period of time?

General DEMPSEY. I do actually, Senator. This was not a unique situation. In looking back at it, of course, it looks like it should have been crystal-clear that there was an attack imminent.

Senator CHAMBLISS. Where else outside of Afghanistan, outside of Iraq, have we had weapons fired on a compound, where we had a U.K. armored vehicle attacked, where we had a bomb thrown over the compound wall, where we had a U.N. special envoy attacked, where we had RPG attacks, and so forth and so on? Where outside of Afghanistan would that have happened?

General DEMPSEY. Yemen, notably. We've had a great deal of challenges in Yemen.

Senator CHAMBLISS. We had that at our Embassy at Yemen?

General DEMPSEY. A consistent threat stream against the Ambassador personally, yes.

Senator CHAMBLISS. So what response have you made in Yemen?

General DEMPSEY. At the request of the Embassy, we have a Fleet Antiterrorism Support Team there to thicken their defenses, and we also have aircraft located in a nearby country that can respond in extremis.

Senator CHAMBLISS. So that's the second time you've used the phrase the State Department didn't request or in this instance in Yemen apparently the State Department did request. General Dempsey, I take that as a very weak response and reaction to this incident. You are the Chairman of the Joint Chiefs. You knew what was happening in Benghazi. You failed to respond in a way that provided security to that particular U.S. mission complex, when apparently you did respond in a positive way in Yemen, you say. Am I correct in that?

General DEMPSEY. You're incorrect in saying I failed to respond to a request. Look, what we do, in collaboration with our agency partners, is we try to distribute our resources.

Senator CHAMBLISS. General, you——

General DEMPSEY. I don't distribute them personally.

Senator CHAMBLISS.—said earlier in response to Senator McCain that you were aware of the August cable from Ambassador Stevens in which he said security at Benghazi is not adequate; am I correct?

General DEMPSEY. I was aware of, Senator—yes, of course, I was aware of it, because it came in in General Ham's report. General

Ham actually called the Embassy to see if they wanted to extend the special security team there and was told no.

Senator CHAMBLISS. Why was that the case, and who was it that said we do not need additional security at Benghazi to General Ham?

General DEMPSEY. I don't know where that decision was eventually made. But it's in the ARB results.

Senator CHAMBLISS. My time is up, but your responses, General Dempsey, are very inadequate, and in my opinion, the same kind of inadequacy for the security that you provided at that consulate.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

Secretary Panetta, let me thank you for your service, and General Dempsey, yours also. Secretary Panetta, we're going to miss you. There's many people who have served with you longer than I have, but I can imagine the fondness they have grown and the relationships you've had. I can only imagine if we'd had a few more dinners we'd have had the same.

General Dempsey, for your service I want to thank you, too. You've been most kind when I've been over to the Pentagon in trying to help me understand more of how we can totally secure our country and make it a better world.

West Virginia's proud to house the State Department Diplomatic Security Training Center, and the agents who fought bravely very likely might have been trained in that part of our great State. I understand also that pilots from the West Virginia National Guard out of our Clarksburg, WV, were some of the first to respond. They changed mission quickly and were ready to get resources into Libya, and it shows the strong force that the Guard and the support role the Guard plays.

So with that, gentlemen, I have just a few questions. First of all, I was here and I say one of my most profound moments and times of being a Senator was when I heard Admiral Mullen at that time, before he retired. The question was asked of him, what's the greatest threat the United States of America faces? I thought I'm learning about the different hot spots of the world and all the different things that were going on and the challenges we had as a Nation defending ourself in the world, and I was ready to hear. He said, without skipping a beat, the debt of our Nation is the greatest threat we face as a Nation.

I took that so seriously, and I've been committed to a large fix, a big fix, the Bowles-Simpson approach, which is the three-pronged template. We have had a hard time moving forward on that.

Now we've come down to where we've said if we didn't get the fix we would have sequestering. So we're faced—the American public is watching us, engaging what we do, and what we say—if we do what we say and fulfill our promises. If we can't come to the financial fix the country needs, sequestering is our penalty. We don't want to penalize and, like you say, hollow out the force, if you will.

How can we help fulfill our promise to the American people that we'll, since we can't come to this—I hope we can. I hope we avoid

it. But if we don't, is there language we could give you to live with the amount of sequestering that the cuts will bring?

Secretary PANETTA. Senator, there is no fix here. I have to tell you that it would be irresponsible for Congress to allow sequester to go into place. Sequester was not designed as a mechanism that was supposed to happen. It was designed to be so nuts that everybody would do everything possible to make sure it didn't happen. That's what sequester was about.

Now to say somehow we can't come together to figure out what savings we have to put in place in order to not trigger sequester, so I guess we'll just have to let sequester happen, I think is irresponsible.

Senator MANCHIN. Would you not agree if you were still sitting in Congress and we can't come to an agreement—I would hope that we could come to an agreement, that we can find a $4 or $5 trillion swing over 10 years, is what's been recommended. There's going to have to be reform and have to be revenue and there has to be cuts in spending, and everyone has to participate.

I look at the spending and I look over the period of time. I think you and I have spoken about that. This is the least amount of drawdown post-war that we have asked for, but it seems to be doing the most damage. I think you were telling me the timing of it is hitting you harder than anything else; is that correct?

Secretary PANETTA. That's right.

Senator MANCHIN. If I can move on to General Dempsey. General, my question is, what is happening in Mali right now? If you can give me a little oversight on that. There's a weak central government, a strong al Qaeda presence, rampant armed militants. When you look at Mali, are there any lessons from Benghazi that can be applied to our security posture there?

General DEMPSEY. To what's happening, the French have had some good success in pushing the armed groups north into the northern desert. The important point now would be to have the ECOWAS forces that they're training flow in behind them. Then at some point Mali will need help with its governance challenges because at some level these are also disputes between the Touregs and the northern Malians and the southern Malians.

But I do think there's always lessons to be learned. In terms of learning from Benghazi, I think, to your point about—we've been in close touch with the Embassy in Bamako. They've thinned out the ranks a bit. That's a prudent measure.

As the Secretary said earlier, Senator, the way you avoid these issues in the future is somewhat with hardening, somewhat with early decisionmaking. When the security situation appears to be moving in a negative direction, the decision to either reinforce or to thin or to close needs to be taken in a timely fashion.

Senator MANCHIN. Secretary Panetta, after September 11 we undertook a whole-of-government approach to make sure our intelligence systems are integrated. Can you tell me if something has gone wrong there and did we miss something? I'm hearing people have legitimate concerns, great concerns, and our hearts go out and prayers go out to the families of our four brave Americans we lost, and we want to prevent that from happening. But did something break down, sir, that we can repair?

Secretary PANETTA. Look, there obviously were a number of reforms on the intelligence agencies coming out of September 11, and I can tell you from my own experience that I think there was—we have developed tremendous teamwork within the Intelligence Community, in which we share information, we go after targets together, we develop the best analysis that we can on the threats that are confronting the country.

The problem that happens here—and this is something that does need attention—is whether or not we have the best intelligence assets, the best intelligence resources in the areas where we need good information. We have a lot of assets around. We have a lot of resources that are there. We have signals intelligence (SIGINT), we have human intelligence (HUMINT). But if you have an area where you don't have resources there, if you don't have good intelligence, then it's going to create a gap, as General Dempsey said.

I think with regards to those specific individuals that were involved in this attack, there was a gap. We didn't have the intelligence that would have given us a heads-up that this kind of thing was going to happen. That is something that we do need to pay attention to.

Senator MANCHIN. My time is up. Thank you both.

Chairman LEVIN. Thank you, Senator Manchin.

Senator Ayotte.

Senator AYOTTE. Thank you, Mr. Chairman.

I want to share in what all of my colleagues have said about your distinguished service, Secretary Panetta, and how grateful we are for everything that you've done for our country, deeply appreciate it. I thank you both for being here.

I wanted to follow up, General Dempsey, as I understand it, you received briefings from General Ham that would include intelligence reporting as well as the reports from the State Department, and you received those regarding the situation in Libya, including the information about the prior attacks within Benghazi, including those on our consulate; is that right?

General DEMPSEY. Yes, Senator. We get reports weekly from each combatant commander.

Senator AYOTTE. So as the ARB found, and the Senate Homeland Security and Governmental Affairs Committee did a report on this as well, but the ARB had said that there was a clear and vivid picture of a rapidly deteriorating threat environment in eastern Libya. Would you agree with that?

General DEMPSEY. Yes.

Senator AYOTTE. Okay, thank you. One of the things you had said is that, Mr. Secretary, that you were aware that Ambassador Stevens, of his cable, that said the consulate could not withstand a coordinated attack; is that right?

Secretary PANETTA. Correct.

Senator AYOTTE. General, you had said that previously you were aware of that?

General DEMPSEY. Yes, I was aware of the communication back to the State Department.

Senator AYOTTE. You said that the State Department didn't request assistance; is that right? General, I believe you said that?

General DEMPSEY. Yes.

Secretary PANETTA. That's correct.

Senator AYOTTE. Did you ever bring that to the attention of Secretary Clinton? This is a pretty surprising and shocking, important cable to receive from an ambassador, that where our people are housed could not withstand a coordinated attack. Did you ever speak with Secretary Clinton about that?

Secretary PANETTA. Senator, as I mentioned in my testimony, NCTC had identified almost 281 facilities that were under a threat of one kind or another. To deal with that, that's not our responsibility. That's the State Department's responsibility.

Senator AYOTTE. I just would add my straightforward question, I think, and in particular to both of you, particularly to General Dempsey, you said you were aware of the cable. Did you ever bring it to Secretary Clinton's attention, given that it said from our Ambassador that the consulate could not withstand a coordinated attack? Yes or no?

General DEMPSEY. I did not. The cable was actually to the State Department, not to me.

Senator AYOTTE. I understand. But you were aware of it. It's a pretty important cable. You said you were also aware of the deteriorating security situation.

General DEMPSEY. As a result of our meetings on the counterterrorism globally.

Senator AYOTTE. But you did not bring it to Secretary Clinton's attention?

General DEMPSEY. I did not.

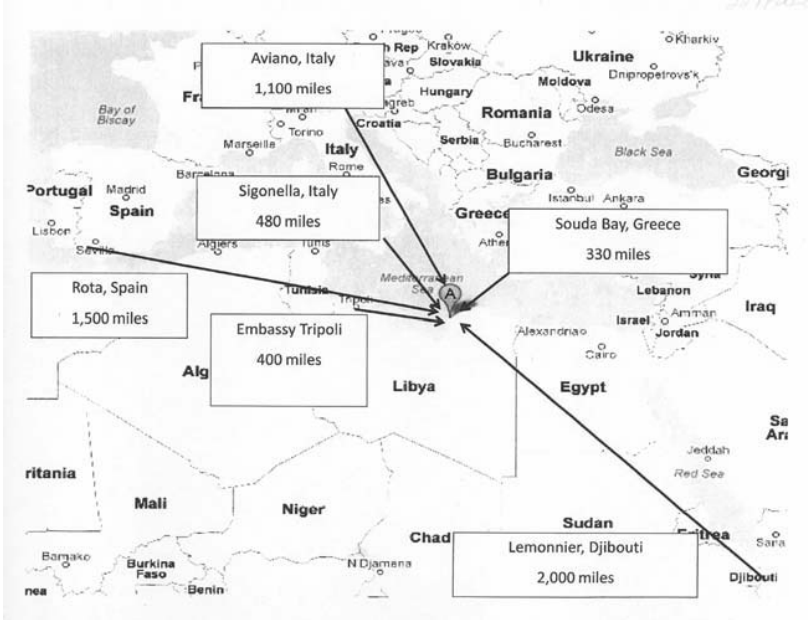
Senator AYOTTE. Did you ever bring it to the President's attention, either of you?

Secretary PANETTA. No.

General DEMPSEY. No.

Senator AYOTTE. Based on the deteriorating security situation, we have this map that has the potential military bases in the area.

[The information referred to follows:]



Senator AYOTTE. As I understand it, we have F–16s at Aviano; is that true?

General DEMPSEY. That's correct.

Senator AYOTTE. Were they deployed that night?

General DEMPSEY. They were not.

Senator AYOTTE. Why not?

General DEMPSEY. For a couple of reasons. First, is that in order to deploy them it requires the—this was the middle of the night, now. These were not aircraft on strip alert. They're there as part of our commitment to NATO and Europe. So as we looked at the timeline, it was pretty clear that it would take up to 20 hours or so to get them there.

Second, Senator, importantly, it was the wrong tool for the job.

Senator AYOTTE. I guess it's not clear to me why would—you said in your testimony that we were on heightened alert on September 11—why it would take over 20 hours. We know that flight time for an F–16 is certainly not 20 hours, even if we were to refuel from Aviano. Given the deteriorating security situation that you've described, it really is—I don't understand why we didn't have armed assets somewhere in the area that could have responded in time at least for the second attack on the annex. That's not clear to me. I think that is insufficient as we look at what happened here.

But I do have a follow-up question. Secretary Panetta, you said that you were in a briefing with the President of the United States.

Secretary PANETTA. Yes.

Senator AYOTTE. I believe it was about 5 o'clock our time. You had just learned about the incident on the consulate. What conversation did you have with the President? What did he ask you

to do as a result of this attack? Throughout the night what communications were you having with him? Can you tell us on a timeline as to who was calling the shots there; if it wasn't him, another member of the White House?

Secretary PANETTA. At the time, we were concerned about Cairo and demonstrations in Cairo. Then we had just picked up the information that something was happening, that there was an apparent attack going on in Benghazi. I informed the President of that fact, and he at that point directed both myself and General Dempsey to do everything we needed to do to try to protect lives there.

Senator AYOTTE. Did he ask you how long it would take to deploy assets, including armed aviation to the area?

Secretary PANETTA. No. He basically said, do whatever you need to do to be able to protect our people there.

Senator AYOTTE. Did you have any—so he didn't ask you what ability we had in the area and what we could do?

Secretary PANETTA. No, I think he relied on both myself as Secretary and on General Dempsey's capabilities. He knows generally what we've deployed in the region. We've presented that to him in other briefings. So he knew generally what was deployed out there. But as to specifics about time, et cetera, et cetera, no, he just left that up to us.

Senator AYOTTE. Did you have any further communications with him that night?

Secretary PANETTA. No.

Senator AYOTTE. Did you have any other further communications—did he ever call you that night to say "how are things going, what's going on, where's the consulate?"

Secretary PANETTA. No. But we were aware that as we were getting information on what was taking place there, particularly when we got information that the Ambassador, his life had been lost, we were aware that that information went to the White House.

Senator AYOTTE. Did you communicate with anyone else at the White House that night?

Secretary PANETTA. No.

Senator AYOTTE. No one else called you to say, "how are things going?"

Secretary PANETTA. No.

Senator AYOTTE. Okay. Since then, has the President asked you, "why weren't we able to get, in light of the second attack that occurred 7 hours later, armed assets there in order to help those who were left and attacked in the annex?"

Secretary PANETTA. The President has made very clear to both myself and General Dempsey that, with regards to future threats, we have to be able to deploy forces in a position where we can more rapidly respond.

Senator AYOTTE. But just to be clear, that night he didn't ask you what assets we had available and how quickly they could respond and what we could do to help those individuals?

Secretary PANETTA. The biggest problem that night, Senator, was that nobody knew really what was going on there.

Senator AYOTTE. There was no follow-up during the night, at least from the White House directly?

Secretary PANETTA. No, no, there wasn't.

Senator AYOTTE. Thank you.

General DEMPSEY. I would, if I could just correct one thing. I wouldn't say there was no follow-up from the White House. There was no follow-up to my knowledge with the President, but his staff was engaged with the National Military Command Center pretty constantly throughout the period, which is the way it would normally work.

Senator AYOTTE. But no direct communication from him?

General DEMPSEY. Not on my part, no.

Senator AYOTTE. Thank you.

Chairman LEVIN. Thank you, Senator Ayotte.

Senator Gillibrand.

Senator GILLIBRAND. Thank you, Mr. Chairman.

Thank you both for being here today. Of course, thank you for your service. We're incredibly grateful for all that you do.

Secretary Panetta, you said in your November remarks to the Center for American Security about al Qaeda: "We've slowed the primary cancer, but we know that the cancer has also metastasized to other parts of the global body." Presumably, you're including Yemen, Somalia, Mali, and elsewhere. How would you recommend reorganizing our strategy to stem the growing and changing al Qaeda global threat?

Secretary PANETTA. We are working on that with the other agencies involved. What is needed here is a comprehensive strategy overall that focuses on al Qaeda and its various affiliates to make sure that they have no place to hide. We've obviously done a very effective job in the FATA, done a good job in Afghanistan, Iraq. We're doing a good job in Yemen and Somalia.

As these affiliates are beginning to appear elsewhere, in Mali and North Africa, in Syria, we have to develop a comprehensive strategy that allows us to be able to develop operations against them wherever they're at. We're in the process of working on that strategy. We have already implemented some steps to try to deal with that. But we really do need to take a big picture view of all of the elements of al Qaeda and how we can best make sure that they have no place to hide.

Senator GILLIBRAND. I have some specific follow-up questions that I'll submit for the record, but they may be classified, the answers, so that's why I'll submit them separately.

I want to turn to cyber. According to recent reports, the Pentagon has approved a major expansion of its U.S. Cyber Command to include growing its ranks from approximately 900 to 4,900 personnel cyber warriors. According to these same reports, there will be three types of forces: those who will fortify DOD's own networks; those who will help commanders abroad plan and execute offensive attacks; and those who will protect critical infrastructure like power grids and power plants.

Needless to say, this is absolutely necessary to protect our Nation against what is becoming a leading security threat. However, I'm particularly interested in the last group, those who will protect national infrastructure. The majority of this critical infrastructure is owned and operated by the private sector. Given this, will the military rely on the National Guard, which is able to operate under both titles 10 and 32 authorities?

General DEMPSEY. Senator, your description of how we are trying to prepare the force is accurate. We clearly don't have authority to do all of that, but we are trying to grow the right force so that if it became necessary and we had the authority to do all of those things we would be prepared.

The National Guard will always be part of any endeavor. I think we'll find the right balance of Active and Guard as we move ahead.

Senator GILLIBRAND. Are there any particular obstacles that you can see now in terms of using the Guard with a greater deal of responsibility in cyber?

General DEMPSEY. No, not uniquely, not any obstacles that we don't have as well on the Active side.

Senator GILLIBRAND. A broader question. How do you see our plan for recruiting and retaining enough cyber personnel, particularly ones capable of working in the offensive side? One idea that I had considered thinking through is, we do Reserve Officer Training Corps (ROTC), but imagine doing ROTC specifically for cyber personnel. So you're getting these young men and women coming out of the Massachusetts Institute of Technology and Stanford and Rensselaer Polytechnic Institute who are some of the country's greatest engineers early on, to hone their skills for cyber defense and cyber attack missions within the DOD.

Secretary PANETTA. Senator, let me just say, in talking to Keith Alexander at the National Security Agency, he does not have any shortage of young people that want to be part of that effort. They view it as an opportunity to get involved, be on the cutting edge of the technology with regards to cyber, develop tremendous skills there, and be able to then go out and use those skills in the private sector. So he has a lot of young people, a lot of young very bright people, who are anxious to participate in this effort.

General DEMPSEY. To include coming out of our military academies.

Senator GILLIBRAND. Now turning to the subject of the hearing, Benghazi specifically. I would like to talk a little bit about what you've learned from these events and how you would advise the next Secretary of Defense to better prepare for similar events and how DOD should adapt to the next generation, including obviously the metastazation of al Qaeda and other terrorist groups and cyber attacks, both of which obviously pose very serious threats to the security of our Homeland.

I'm specifically concerned that this was an attack in a country that the United States helped liberate from decades of dictatorship. That day, September 11, 2012, witnessed demonstrations in other countries that were part of the Arab Spring, countries that were supported—that we supported the voice of democracy. But throughout these countries we continue to see jihadists and fundamentalist movements align against us and against our interests, and perhaps funded by some of the Gulf countries.

What leverage should we be using with the Gulf governments to address the support for groups that threaten our security?

Secretary PANETTA. As I've testified here, and I certainly would give this guidance to my successor, in dealing with these threats you have to address each area of concern. First of all, you have to develop better host country capabilities. That's one of the gaps

right now in some of these countries that we just saw, they have not been able to develop a sufficient host force that provides that kind of security. We have to work with them. We have to bring as much leverage as we can on these countries, that they have a responsibility to be the first line of security for our embassies, and we have to help them develop the training and capabilities that are necessary to do that.

Second, we have to harden these facilities. We do have to strengthen the security around some of these embassies, be able to develop, add the additional marines that are necessary to try to help provide that security as well, and ensure that they have the right training for the security guards that are around that embassy.

Third, we need better intelligence. We just absolutely have to have good intelligence. Whatever we do, wherever we're located, if we don't get that advance intelligence, that heads-up that we need, there isn't any way that we can respond in time. So we have to have better intelligence as to what these groups are doing.

Then lastly, we have to have a response force in the vicinity to be able to respond quickly. Once we get a heads-up, once we get an indication that something's going to happen, forces have to be in place and have a shorter response time in order to be able to deploy. There's no question these response times were too long, and so we're trying to shorten that.

But I also want to just let you know that we are dealing with the problem of distance in that area. It takes hours to be able to respond. It's just the nature of being able to notify people, get them ready, get airlift there, make sure they can move quickly, and then fly to the target. All of that has to be considered.

But the more heads-up we get, the better off we can respond.

Senator GILLIBRAND. Thank you both very much again for your service and your testimony.

Chairman LEVIN. Thank you very much, Senator Gillibrand.

Senator Graham.

Senator GRAHAM. Thank you, Mr. Chairman. Thank you for having the hearing.

Secretary Panetta, you will be missed. You've served our Nation well. You will be missed. General Dempsey, thank you for your service.

Now, this is a hearing about Benghazi. We've talked about sequestration, which is important. I just want to make sure that we understand what happened on September 11 regarding Benghazi.

Your testimony as I understand it, Secretary Panetta, is that you talked to the President of the United States one time?

Secretary PANETTA. Talked to him on September 11 with regards to the fact that we were aware that this attack was taking place.

Senator GRAHAM. One time?

Secretary PANETTA. Right.

Senator GRAHAM. What time did you tell him that?

Secretary PANETTA. I think that was approximately about 5 p.m.

General DEMPSEY. Yes, about 5 p.m.

Secretary PANETTA. About 5 p.m.

Senator GRAHAM. General Dempsey, did you ever talk to the President of the United States at all?

General DEMPSEY. I was with the Secretary that same time.

Senator GRAHAM. Did you talk to the President?

General DEMPSEY. Yes.

Senator GRAHAM. You talked to him how many times?

General DEMPSEY. The same one time.

Senator GRAHAM. How long did that conversation last?

General DEMPSEY. We were there in the office for probably 30 minutes.

Senator GRAHAM. So you talked to him for 30 minutes one time and you never talked to him again, either one of you?

General DEMPSEY. Until afterwards.

Senator GRAHAM. Until after the attack was over?

General DEMPSEY. That's right.

Senator GRAHAM. Thank you.

Were there any AC–130 gunships within 1,000 miles of Benghazi, Libya?

General DEMPSEY. No, sir.

Senator GRAHAM. Were there any AC–130 gunships within 2,000 miles of Benghazi, Libya?

General DEMPSEY. I would have to go back and look at a map and figure out the distance. The nearest ones I was aware of were——

Senator GRAHAM. You said the F–16 was not a good platform to defend the consulate. What would have been the appropriate platform?

General DEMPSEY. The appropriate platform, Senator, would have been to have boots-on-the-ground ahead of the event. After the event is in conduct, it would be very difficult to have a——

Senator GRAHAM. Let's just—would an AC–130 have been a good platform to help defend the consulate after the attack?

General DEMPSEY. If we had the adequate understanding of what was on the ground so that we weren't killing——

Senator GRAHAM. Is there a saying in the military, when you go into harm's way we have your back?

General DEMPSEY. Of course, yes, sir.

Senator GRAHAM. Don't you think that saying has been undermined here? How can people in the military or the foreign service believe we have their back when, after over seven—one, did you know how long the attack was going to last, Secretary Panetta?

Secretary PANETTA. No idea.

Senator GRAHAM. Well, it could have lasted for 2 days.

Now, my question is, was one airplane anywhere in the world deployed in the aid of the consulate? Did anybody launch an airplane? Was any airplane launched anywhere in the world to help these people?

Secretary PANETTA. We ultimately did launch 130s to go in and rescue the people.

Senator GRAHAM. When were they launched?

Secretary PANETTA. They were launched in the period of time when the team went in there and when we concluded that the attack was concluded. We said we have to get the people out of there and that's when we——

Senator GRAHAM. Was any airplane launched anywhere in the world before the attack was concluded?

General DEMPSEY. If you're talking about a strike aircraft, no, Senator.

Senator GRAHAM. Was any soldier en route to help these people before the attack was concluded?

Secretary PANETTA. We had deployed the FAST teams and they were——

Senator GRAHAM. Were they——

Secretary PANETTA.—on orders to move.

Senator GRAHAM. Was anybody in motion before the attack concluded to help these people, anybody?

General DEMPSEY. Only the personnel that were in Tripoli.

Senator GRAHAM. Okay. Was any DOD asset ever deployed to help these people before the end of the attack?

General DEMPSEY. Would you rephrase? Would you repeat the question?

Senator GRAHAM. Was any DOD asset, aircraft, or individual soldier, ever sent, put in motion, to help these people before the attack was over?

General DEMPSEY. If I could, as soon as we knew there was an attack the National Mission Force and the FAST Teams began preparing to deploy.

Senator GRAHAM. My question is, did anybody leave any base anywhere to go to the aid of the people under attack in Benghazi, Libya, before the attack ended?

Secretary PANETTA. No, because the attack ended before they could get off the ground.

Senator GRAHAM. Thank you. We didn't know how long it would last.

Now, back to the threat assessment. These 281 threats that we've received, can you go back and look and see if any of these threats have a cable from a U.S. Ambassador saying if we're attacked, the consulate is attacked in a coordinated fashion, we cannot defend the consulate, and oh, by the way, there are al Qaeda flags flying over government buildings? Is there any other situation of these 281 that rise to that level, because I want to know about it if there is?

Secretary PANETTA. The State Department would have the answer to that question.

Senator GRAHAM. Okay. Let's talk about the State Department. General Dempsey, it seems to me that General Ham kept you pretty well informed.

General DEMPSEY. I agree with that.

Senator GRAHAM. I agree with that, too. Did General Ham on that night ever suggest that a military asset—did he order a military asset in motion and someone told him to stand down?

General DEMPSEY. No. In fact, he was with us in the Pentagon that day.

Senator GRAHAM. Okay, so he was with you.

Now, you knew about the cable from Ambassador Stevens because General Ham informed you of it; is that correct, General Dempsey?

General DEMPSEY. In a written weekly report.

Senator GRAHAM. Okay. So when Secretary Clinton testified a few weeks ago that she had a clear-eyed assessment of the threat

we faced in Libya, is that really a credible statement if she didn't know about the Ambassador's cable on August 15, saying we can't defend this place?

General DEMPSEY. I don't know that she didn't know about the cable.

Senator GRAHAM. She said she didn't.

General DEMPSEY. Then that's a——

Senator GRAHAM. Are you stunned that she didn't?

General DEMPSEY. I would call myself surprised that she didn't.

Senator GRAHAM. Okay.

Are you surprised that the President of the United States never called you, Secretary Panetta, and say, how is it going?

Secretary PANETTA. Normally in these situations——

Senator GRAHAM. Did he know the level of threat——

Secretary PANETTA. Let me finish the answer. We were deploying the forces. He knew we were deploying the forces. He was being kept updated as to the——

Senator GRAHAM. I hate to interrupt you, but I have limited time. We didn't deploy any forces.

Secretary PANETTA. No, but——

Senator GRAHAM. Did you—wait a minute.

Secretary PANETTA. It was over by the time——

Senator GRAHAM. Mr. Secretary, you didn't know how long the attack would last. Did you ever call him and say, Mr. Secretary, it looks like we don't have anything to get there any time soon?

Secretary PANETTA. The event was over before we could move any assets.

Senator GRAHAM. It lasted almost 8 hours, and my question to you is: During that 8-hour period, did the President show any curiosity about how is this going, what kind of assets do you have helping these people? Did he ever make that phone call?

Secretary PANETTA. Look. There is no question in my mind that the President of the United States was concerned about American lives.

Senator GRAHAM. With all due respect——

Secretary PANETTA. I think all of us were concerned about American lives.

Senator GRAHAM.—I don't believe that's a credible statement if he never called and asked you, are we helping people, what's happening to them.

Secretary PANETTA. As a former chief——

Senator GRAHAM. We have a second round and we'll take it up then.

Secretary PANETTA. As a former chief of staff to the President of the United States, the purpose of staff is to be able to get that kind of information, and those staff were working with us.

Senator GRAHAM. Do you think it's a typical response of the President of the United States to make one phone call, do what you can, and never call you back again to ask you, how is it going, by the way? Show any frustration we don't have any assets in there to help these people for over 7 hours?

Secretary PANETTA. The President is well-informed about what is going on. Make no mistake about it.

Senator GRAHAM. That is interesting to hear. We'll talk about that in the second round.

Chairman LEVIN. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

Thank you both, Secretary Panetta and General Dempsey, for being here this morning. Secretary Panetta, thank you so much for your long and very important service to this country.

I think, as you all have pointed out, that it is important for the administration to continue to be open and upfront about what happened in Benghazi. I think it's important for us to look in a factual, objective way, to the extent that we can, at what has happened here and to try and address that; and that grandstanding and finger-pointing is not really helpful.

So I appreciate your willingness to look at what happened here. As has been acknowledged, the bottom line is that our agencies didn't do enough to protect our people on the ground and we have to do better. As the ARB pointed out, there were security failures, there were leadership and management deficiencies. I appreciate that Secretary Clinton took responsibility for that and that we are looking at recommendations to address that. So thank you for your willingness to be part of that process.

One of the things that happened in the follow-up to the ARB was an effort by the Senate to address the transfer of funds that the State Department requested to provide the necessary resources to address security risks and to transfer the personnel to meet mission imperatives around the world. I'm pleased that again this week the Senate has tried to do that. I certainly hope the House will take up that legislation and pass it so that we can address the resources that are required to make sure this doesn't happen again in our embassies and missions around the world.

Both the ARB and the Senate Homeland Security and Governmental Affairs Committee reports pointed out that Congress and the administration share in the responsibility for making sure that those resources are available.

Now, my question really goes to a follow-up to what Senator Graham was discussing, and I understand it was raised earlier. It's something that I raised with Deputy Secretary Nides before the Senate Foreign Relations Committee, and it does have to do with what capacity we have in dangerous regions to provide support from the military when we have diplomatic missions and embassies that get into trouble.

I wonder if you could—you've talked about the fact that we don't have or did not at the time of Benghazi have those assets in the region. But can you talk about what kind of coordination you envision going forward to address areas where there is potential risk? Obviously, Northern Africa and the Middle East are certainly these days those kinds of areas. What kind of communication and coordination are we doing to address this?

Secretary PANETTA. We have worked with the State Department on a team to assess the different embassies there to determine what are the additional steps that have to be taken in order to provide security and also what additional steps do we need in order to ensure that we have the intelligence necessary to give us a heads-up.

So we are taking steps. We're going to provide another almost 1,000 marines as detachments to be able to target those embassies that are most vulnerable. In addition to that, obviously, we're going to try to do what we can to strengthen the host nations' capabilities to provide security. I know the Intelligence Community is working to develop better intelligence, to be able to give us a heads-up. Frankly, we're doing the same thing. We're deploying forces to the area and giving them much shorter response times, so that if we do have to deploy them, they'll be able to get up in the air and to the area in a more rapid fashion.

Senator SHAHEEN. Is there going to be an ongoing structure to do that, an ongoing system that will be put in place, so that it's not just this one review of what the circumstances are, but for the foreseeable future we'll expect to have communication and coordination between DOD and State?

Secretary PANETTA. We are doing that and we are trying to develop a tighter team that can work together to make sure that we protect our lives abroad.

Senator SHAHEEN. Thank you.

General Dempsey, I understand that in earlier testimony you acknowledged that there are gaps in our intelligence and what we know, and that better intelligence would have given us a heads-up about what we might have needed in the region. Will some of the assets that are used in Afghanistan be redirected to AFRICOM for future use, do you think?

General DEMPSEY. As assets become excess capacity anywhere, we have that process, as I mentioned to Senator Reed, called the global force management process, where we do it on an annual basis, but then monthly, we meet to redistribute as necessary as threats go up and down. So, yes, absolutely, I would expect that over time additional assets would be made available.

Senator SHAHEEN. Reports suggest that AFRICOM has been under-resourced because of Afghanistan. Is there a reprioritization that we should be doing as we are drawing down forces in Afghanistan and looking at what we need to do? Given the challenge of, the potential challenge of sequestration if we can't act in Congress to address that—and I certainly hope that we can; I think it's responsible for us to do that. But how do you expect that reprioritization to occur, given the budget challenges we're facing?

General DEMPSEY. First, I'd like to suggest a little different wording. You said is AFRICOM disadvantaged because of Afghanistan. The answer is no. The resources we have that are in Afghanistan are there because that's where the threat, the greatest threat to the homeland resides, in western Pakistan and in some cases, northeastern Afghanistan. So those are direct threats to the homeland. It's Afghanistan, but it happens to be where the threat is.

So as the threat migrates and changes, we reprioritize. To your point about sequestration, yes, you will see a definite degradation if we have to absorb both the magnitude and the mechanism of sequestration.

Senator SHAHEEN. Thank you. Just to be clear, I suggested that other reports have indicated that they may have been under-resourced. So I didn't intend to make that accusation, but really just to raise it as a question.

So thank you very much.

Chairman LEVIN. Thank you, Senator Shaheen.

Senator Lee.

Senator LEE. Thank you, Mr. Chairman.

Thanks to both of you for being here today and thank you for your service and all you do for our country.

I certainly appreciate and respect the fact that, as you acknowledged in your opening statements, it isn't possible for you to be all things to all people. It's not possible for you to be anywhere in the world within notice of only a few minutes, and we need to keep that in mind as we look at this sad, unfortunate situation.

We also recognize the concern that you have for U.S. personnel everywhere around and respect what you do for them.

I do want to follow up a little bit on some of the questions that Senator Graham was asking a few minutes ago. Secretary Panetta, a few minutes ago you indicated that we didn't have boots-on-the-ground, we didn't deploy forces, because the attack came to an end. But as Senator Graham pointed out, this is an attack that lasted nearly 8 hours from start to finish. So at some point there had to have been a decision made not to deploy them. At what point in that timeframe was it made, or was it not made, until after the attack had ended, nearly 8 hours after it began?

Secretary PANETTA. Senator, again, just to bring you back to the events as they took place, there was this initial attack on the facility at Benghazi. Within an hour or so that ended, and, very frankly, we thought that was the end of what had occurred there, and we had no intelligence that a second attack would take place at the annex, 2 miles away.

Senator LEE. But we didn't know. We didn't know. What we did know was that a lot of people were still unaccounted for. So the immediate attack was perhaps not visibly underway, but you weren't certain that there wouldn't be more fighting.

Secretary PANETTA. Obviously, you're not certain about what may or may not happen. But the issue of whether or not you suddenly deploy a platoon or a team into an area, you still have to determine whether or not the situation requires the deployment of that force there. Frankly, when we were told that the attack was over we immediately—although we had the forces in place, we would have responded if something had indicated more, we had no intelligence to indicate that that was the case.

Senator LEE. Okay, and to what point are you referring right now? You were talking about the initial attack on the compound?

Secretary PANETTA. That's correct, that's correct.

Senator LEE. So was that decision revisited hours later when in the early hours of the morning Benghazi time another pretty considerable attack came about?

General DEMPSEY. Let me make sure. Once the attack occurred, we started moving forces. It didn't matter really whether there was another attack. We were moving the forces, and as they were moving we would direct them where they were needed. I actually thought they would likely be needed in Tripoli, but they were moving. Nothing we did slowed that process down.

Senator LEE. Did they get to Tripoli?

General DEMPSEY. They did. They're there now.

Senator LEE. Why didn't they move forward to Benghazi?

General DEMPSEY. There was no need to do it by the time they got there.

Senator LEE. How did you know there was no need to do it?

General DEMPSEY. Because everybody was out of Benghazi.

Senator LEE. Okay, and yet it took another 23 days, as I understand it, to secure the compound after the attack had completed, had ended. So why did it take 23 days to secure the compound?

Secretary PANETTA. Senator, we were not requested to secure that compound. When the FBI decided to go in and then requested us to provide security, we did.

Senator LEE. After the FBI requested that, at that point?

Secretary PANETTA. That's correct.

Senator LEE. But again going back to the early morning hours Benghazi time when there was still fighting going on, how did you know that that was the end of it? Or are you saying it didn't matter at that point because you had removed all the Americans from the compound and from the annex?

General DEMPSEY. What I've said, Senator, is that when we put the forces in motion, they continued in motion until they arrived at the location.

Senator LEE. At what point did you put them in motion?

General DEMPSEY. Immediately, but there's notification to liftoff and then there's transit time. It was a significant amount of time.

Senator LEE. Had they been on alert or at a higher state of alert, could you perhaps have gotten them there faster?

General DEMPSEY. I think, yes, they could have. We routinely leave forces at N+6. Some of them were at N+4, some of them were at N+2. No one is ever sitting there on the tarmac waiting, but we do dial up and dial down the alert posture.

Senator LEE. Looking back, given that it was an important anniversary, September 11, was there good reason to have put them at a higher state of alert than they were?

General DEMPSEY. Looking back is a lot clearer than looking forward. I will tell you that as part of this study that the Secretary of Defense described we have changed our alert posture globally. The question is whether we can sustain it over time. It's challenging to sustain those kinds of alert postures.

Senator LEE. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Lee.

Senator Kaine.

Senator KAINE. Thank you, Mr. Chairman, Mr. Ranking Member, General Dempsey, Secretary Panetta.

Mr. Secretary, your testimony is where I'm going to start, and an observation and then some questions. The line that I find the most provocative: "That brings me to my greatest concern right now as Secretary and, frankly, the greatest security risk we are facing as a Nation, which is budget uncertainty, which could prompt the most significant military readiness crisis in more than a decade."

That's a provocative statement, "greatest security risk as a Nation." Iran, North Korea, al Qaeda, including al Qaeda in the Maghreb. But I gather the thrust of the point is our ability to respond to any of those security threats is completely dependent

upon a national security posture that is informed by budget decisions rather than budget indecision.

Yesterday, it was announced that you had approved a decision to take the USS *Harry Truman* and the USS *Gettysburg* and delay their deployment pursuant to a U.S. Central Command (CENTCOM) desire that they be deployed in the Middle East, and to delay the deployment purely because of the effect of the March 1 sequester and the now-increasing likelihood that that would happen. I regret that you had to make a decision of this kind, to sacrifice our Nation's readiness. You were faced with the choice of deploying a second carrier in the Middle East that could provide some additional security, including in the area that we're talking about at this hearing. Instead, you decided to keep that carrier homeported in Norfolk because of budgetary concerns.

You shouldn't have had to make that decision. The safety of the men and women we have deployed in Afghanistan, in the Middle East, and Pakistan is at stake and the very matters we're talking about at this hearing are at stake when you have to make a decision of that kind, the ability of our military to respond to crises in some volatile parts of the world.

You didn't cancel the carrier deployment because this part of the world suddenly was safer. Our ability to respond is at stake and, as you pointed out in an earlier answer, this also affects individual morale of individuals who subleased apartments. There was an article this morning in the Virginian Pilot. It said, "Airman Carly Grice, 20, of Kentwood, LA, said she had been excited to go on the first deployment. "This was a letdown. Actually, I'm disappointed," said Grice. She joined the Navy in August and hopes to make a career in the service. She wonders whether that's realistic, given the budgetary issues."

The military today is filled with 20-year-olds or newly-minted lieutenants or others who will be the future leadership of our military. There's probably someone in the military right now, General Dempsey, who will be a future head of the Joint Chiefs of Staff. But I suspect that virtually all of them are wondering whether a career in the military is realistic given what they've seen from this body, what they've seen in terms of the budget that might inform whether they can make that a realistic choice.

I hope Congress is taking notice of your provocative comment, which, I think, is an accurate one. The decision regarding the *Truman* is going to be the first of many, I suspect, unless we do something to replace sequester. We all know sequester was never intended to happen, Mr. Secretary, as you mentioned. We should, in my view, finish last year's appropriations process, enact deficit reduction to align the sequester with the budget process, do a meaningful budget process, and make the decisions exactly as you described.

You did a national security review inside DOD and then let that drive some budgetary decisions. We're letting our budget drive national security. Even worse, we're letting budgetary inaction drive national security, and I fear greatly for our security posture as a result of where we are right now.

So, Mr. Secretary, I gather we're likely to see a whole lot of things like the *Truman* announcement yesterday that would poten-

tially weaken our readiness, demoralize our Active Duty men and women, and leave us less safe, unless we find an alternative to sequester.

Secretary PANETTA. I truly hope that that does not become the case. Senator, we can do this right. The United States of America is the strongest military power on Earth. We're the strongest democracy on Earth. If we have to reduce the budget, as we do, $487 billion, I can get that done pursuant to a strategy that protects the strongest military on Earth.

There is no reason why an arbitrary legislative mechanism that was designed, not because it was good policy, but because it was bad policy, to drive action, should now take place. I cannot imagine that Congress would simply stand by and let that happen because the consequences are just as you've described. If we go into sequester, then we are going to have to take steps to implement another $500 billion in cuts in a way that will, make no mistake, hollow out the force and weaken the United States of America as a military power.

We don't have to do that. This is a self-inflicted wound. We do not have to do this. That's why I think the General and I, we're trying to take steps to prepare for that, should it happen. But we're trying to do it in a way that makes these steps reversible, so that we can again get back to the business of defending this country.

But if this continues and if this happens, then you are absolutely correct, this is the beginning of a number of steps we're going to have to take that are going to badly damage our readiness.

Senator KAINE. What does it mean, when CENTCOM has decided that there should be two carriers in the Middle East and decides purely because of sequester we can't do that, what does that mean to our readiness posture and what message does it send to allies and adversaries?

Secretary PANETTA. First, I'm going to assure you, and I think General Dempsey can speak to this, we're going to do everything we can to make sure that we are prepared to deal with the threat from Iran. We will have one carrier there. We will deploy other forces there so that we can hopefully fill the gap. But our hope had been that we could have two carriers, which would give us the flexibility to have the kind of rapid response that we will need if we have to deal with a crisis there.

Senator KAINE. In terms just of the sheer organizational effort, I assume it's thousands of hours for your personnel to try to figure out how to contort your budget to comply with the sequester, that would much better be spent looking forward and working on a fiscal year 2014 budget.

Secretary PANETTA. You bet.

Senator KAINE. Thank you.

Chairman LEVIN. Thank you, Senator Kaine.

Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman.

Mr. Secretary, General Dempsey, I'd like to begin by thanking the two of you for being here this morning and for your extended service. I will say, Secretary Panetta, I regret that you and I have not had the opportunity to work together since I'm a new member of this committee. But I will tell you, you have over many years

earned a reputation for being fair-minded, for looking for bipartisan compromise, and for looking for solutions.

Indeed, I will pass along a comment that was made to me by a more senior Republican on this committee about you, in which you were characterized as a "straight shooter," which as you know in Washington is both a rare compliment and a very high compliment. So I want to thank you for your principled dedication to this country and your long service.

I want to likewise thank you, General Dempsey, for your service, your many decades defending the Nation, and your passionate commitment to standing with the men and women of the military and protecting the interests of the United States.

It is my hope that this hearing can be a helpful moment in terms of learning productive lessons learned from the tragic attack at Benghazi. What I would like to focus on principally is the window between when the attack began and 5:15 a.m. in the morning when Navy SEALs Glen Doherty and Tyrone Woods lost their lives. There are roughly 7½ hours there.

I recognize that in any military conflict one inevitably faces the proverbial fog of war. But what I'd like to ask you to do is use the 20–20 hindsight we have now. If you could go back in time with the knowledge you have today and play it over again, if at 9:42 p.m. Benghazi time when the first attack began you knew that at 5:15 a.m. two former SEALs would be on the roof of that annex and would face mortar fire, what specifically could have been done if we had that knowledge—and I recognize that is a hypothetical, but if we had that knowledge—what military options would there have been to prevent that loss of life and to stop that attack at the annex?

Secretary PANETTA. Senator, as you said, it's tough to respond to a hypothetical. As long as we're talking about hypotheticals, the best that would have happened here is that we would have had a heads-up and we would have had troops on the ground to protect that facility. That's the best scenario and that's what works the best.

Once an attack takes place, the biggest problem you have is getting accurate information about exactly what is taking place in order to then develop what response you need to do it. You can't just willy-nilly send F–16s there and blow the hell out of a place without knowing what's taking place. You can't send AC–130s there and blow the hell out of a target without knowing what's taking place. You have to be able to have good information about what is taking place in order to be able to effectively respond.

Senator CRUZ. So in your judgment, if I understand you correctly, the most effective means would have been to have boots-on-the-ground?

Secretary PANETTA. That's correct.

Senator CRUZ. If—and again this is a hypothetical—at 9:42 p.m. you had received a direct order to have boots-on-the-ground to defend our men and women there, what is the absolute fastest that that could have been carried out?

General DEMPSEY. Based on our posture at the time, it would have been N+6 plus transit time with the closest ground force

available. So you're looking at something best case between 13 and 15 hours.

Senator CRUZ. So if I understand your testimony correctly, in your military judgment there was no way conceivably to get troops on the ground sooner than 13 to 15 hours?

General DEMPSEY. That's correct.

Senator CRUZ. How about assets like an AC–130. If you had received an order at the outset to deploy an aircraft like an AC–130, what would have been the absolute fastest it could have arrived at Benghazi?

General DEMPSEY. I don't even know exactly where they were, but I know there were no AC–130s anywhere near North Africa that night.

Senator CRUZ. I'd like to also spend a few moments on the decisionmaking as this crisis unfolded. I take it neither of you received the hypothetical order at any point to get boots-on-the-ground immediately?

Secretary PANETTA. No, that's right.

Senator CRUZ. Now, both of you mentioned that at 5 p.m. Washington, DC, time you met with President Obama for a regularly scheduled meeting, during which you discussed the attack at Benghazi that had happened about an hour and 20 minutes earlier. You said the total meeting lasted roughly 30 minutes. How much of the meeting would you estimate covered Benghazi?

Secretary PANETTA. We teed up that issue when we walked into the Oval Office, so I would say that the first 15 or 20 minutes were spent on the concern about that, as well as Cairo and what might happen there.

Senator CRUZ. After that 15 or 20 minutes discussion of Benghazi, do I understand your testimony correctly that neither of you had any subsequent conversations with the President the rest of that day and that evening?

Secretary PANETTA. We continued to talk. I think we teed up some other issues that we were dealing with at the time to inform the President, and then once that concluded we both went back to the Pentagon and immediately I ordered the deployment of these forces into place.

Senator CRUZ. In between 9:42 p.m. Benghazi time when the first attack started and 5:15 a.m. when Mr. Doherty and Mr. Woods lost their lives, what conversations did either of you have with Secretary Clinton?

Secretary PANETTA. We did not have any conversations with Secretary Clinton.

Senator CRUZ. General Dempsey, the same is true for you?

General DEMPSEY. Yes.

Senator CRUZ. One final question because my time has expired. Senator Lee asked you about securing the compound and noted that it took some 23 days to do so, and I think to the astonishment of many viewers, we had CNN crews discovering what appeared to be sensitive documents, rather than U.S. forces or law enforcement.

I just want to make sure I understood your answer correctly, in that you said that you were not requested to secure the compound and had you been requested to secure the compound, in your judg-

ment, the U.S. military could have done so and it could have done so effectively?

Secretary PANETTA. Yes.

Senator CRUZ. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Cruz.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

Secretary Panetta, as I'm sure everybody said, this is your last time before this committee. We certainly want to take an opportunity to thank you for your extraordinary service as Secretary and all the other accolades and services that you have provided to the people of the United States. So I too want to echo my sincere thanks.

General Dempsey, thank you too for your continued service as we go forward.

The September 11 attack drew attention to the use of local militia by the Department of State for protection in Benghazi. On the night of the attack, security consisted of three armed militia members as well as four locally hired unarmed guards and five armed Diplomatic Security agents. I understand that the three militia personnel were members of the February 17th Martyrs Brigade, which is a local militia that participated in the anti-Qadafi uprising.

Documents recovered from the post indicated that, while the local militias trained with U.S. officials for this role, militia members were generally expected to provide their own weapons and their own ammunition in order to protect.

To what extent has DOD also relied on such arrangements in high-threat areas in which central government forces did not fully control the territory, such as Afghanistan? How should the committee view the use of local militias for force protection? Both of you, if you can answer this question, please.

General DEMPSEY. During my time in Iraq, we had third-country nationals who provided contracted support, as well as some U.S. contractors for support. We never reached the point where, in my time there, we were using Iraqis, for example. Now, I do know that it's common practice in most countries to use local bodyguards and local security forces, so it is the norm, not the exception.

Senator HAGAN. Typically that's with the country, though, that has an organized government.

General DEMPSEY. Yes, I think that's a fair characterization.

Secretary PANETTA. It's something you see in tribal societies, obviously. We see that in Afghanistan, where they've developed local militias in some of the different areas, to provide security. I think the key there is that sometimes it works very well as a way to secure that community, depending on the quality of the militia involved, and sometimes it can get out of control.

Senator HAGAN. Secretary Panetta, in your opening statement you suggested DOD is looking at how you can assist the development of host nation forces using a range of security assistance authorities to train and equip these forces. I chair the Emerging Threats and Capabilities Subcommittee, which does have jurisdiction over DOD's train-and-equip authorities, and I'd be interested in hearing whether you think DOD currently has the authority to

conduct these training operations or whether you would need to seek new authorities?

Secretary PANETTA. I feel pretty good about the authority we have now in the ability to go in. Again, you have to have the country, the host country, actually request this kind of assistance and this kind of training. But if they're cooperative and if they want this kind of help, we have the capability and the authorities to help provide that.

Senator HAGAN. Are the host nation forces you're looking to engage members of the military, civilian law enforcement, or are these local guard forces that would be employees of the diplomatic post?

Secretary PANETTA. We can work with whatever security forces that that particular country wants to get trained. We can help provide the training necessary. It's up to the country as to just exactly what kind of security they're going to provide around an embassy.

Senator HAGAN. What is your comfort level if they decline to have assistance with training?

Secretary PANETTA. It makes me very nervous.

Senator HAGAN. Then what's Plan B in that case?

Secretary PANETTA. I think Plan B, in that instance, is that you do have to do everything possible to harden that embassy, make sure it's secured, make sure that we have the marines in place to try to provide additional security, make sure that they have the additional security hired with the embassy to protect it in that event, and make sure that we have the ability to respond quickly if we're asked to be able to go in and do what we have to do to help those that are located in the embassy.

Senator HAGAN. Did you feel comfortable with the training of the local militia in Libya?

Secretary PANETTA. Not at all. I think it was having been at the CIA, we did some work to try to assist the militias, the opposition forces that were involved against Qadafi at the time. But as usual, in this instance these are groups that are pretty dispersed and represent a number of different opposing elements. It's not a well-coordinated opposition, and I think that was the case with the militias.

Senator HAGAN. I guess I was concerned when I read, too, about them providing their own ammunition and weapons.

Secretary PANETTA. It's not—Libya—as we've pointed out, these countries that are going through the transitions that have taken place since their various revolutions, one of the areas that's hurting is the quality of their ability to provide security to the embassies that are located in their country. That's a problem that we're having to confront more and more in that part of the world.

Senator HAGAN. We certainly need to take in mind, as I'm sure you do, the safety and security of our Embassy personnel first and foremost.

A variety of organizations have been named in media reports as responsible for the attack against our U.S. facilities in Benghazi and more recently on the British Petroleum (BP) facilities in Algeria. Some of these organizations are familiar names, but others, such as the Ansar Al-Sharia, are not well known. Of the violent extremists operating in North Africa, are there any groups or individ-

uals DOD has designated as eligible for targeting under the authorization for use of military force? Also, how is such a determination made?

Secretary PANETTA. Obviously, al Qaeda and its affiliates are at the top of the list. If it's al Qaeda and al Qaeda-related, then obviously we do have authorities to be able to go after them. But in order to do that, you have to identify who the individuals are, what is the threat that they constitute. The lawyers then review that and determine whether or not that's somebody who can actually be targeted.

General DEMPSEY. There are a handful of high-value individuals or high-interest individuals who have been designated. In terms of those perpetrators of the Benghazi attack, we continue to try to develop the intelligence, so to this point none of them have been designated, although we work with other agencies to try to build the intelligence case to do so.

Senator HAGAN. My time has expired. Thank you.

Chairman LEVIN. Thank you, Senator Hagan.

Senator Wicker.

Senator WICKER. Thank you very much.

Secretary Panetta, congratulations on a very interesting and distinguished career. I'm honored to have served with you in the House of Representatives and to have been your colleague. I wish you the best in your future endeavors.

Having said that, you were very forceful today in talking about sequestration. I heard you in the media yesterday making a very forceful statement about how irresponsible it would be not to fix this before it goes into effect. Let me just suggest this.

Our colleagues at the other end of the building in the House of Representatives came forward with a bill. They put it into bill language. They had it scored. They passed a rule. They voted on it and sent it to us. Agree with it or not, they came up with a specific answer to it, and there's been no answer back from the Senate side.

The President made a pronouncement about it a few days ago. Mr. Secretary, you can't score a speech. You can't score general concepts. When you see the President, tell him we'd be happy to hear his specific views about how those revenues should come in to fix this problem because, frankly, people from my side of the aisle have been calling on the President for specific suggestions, specific proposals that you can score, that you can put in bill language, and we haven't had that for over a year. So when you see the President, please make that suggestion to him.

Now, General, let me ask you this. I don't see where the intelligence gap is that you mentioned in response to Senator Chambliss' question. He asked if this was an intelligence failure and you said no, it's an intelligence gap. Then in fleshing out the testimony, it seems that you knew everything you needed to know: the militia fire onto the compound, the IED attack on the UN, the attack on the Red Cross, the abduction of Red Cross workers, the Red Cross deciding then to pull out of Benghazi; the same thing with the United Kingdom, an RPG attack on them. The United Kingdom got the message and pulled out.

Yet, we didn't take the same message, apparently. We didn't make the same decisions at least from the attacks on the United States and U.S. interests.

Are you suggesting that there was something else that you needed to know from intelligence sources? Or are you suggesting in the alternative that really the only thing missing was a request from the State Department? You got it in Yemen and you acted on it. You didn't get that request from the State Department officially on Benghazi, so you didn't make arrangements for security there. Would you clear that up?

General DEMPSEY. Yes. Thanks for the opportunity, Senator. First of all, what I did know is what I was told in General Ham's weekly reports, which reflected a deteriorating security situation in Eastern Libya.

Senator WICKER. Let me interject there.

General DEMPSEY. Sure.

Senator WICKER. Did those come up through the military personnel on the country teams?

General DEMPSEY. No. These are reports directly from the combatant commander to the Secretary of Defense.

Senator WICKER. Where did the combatant commander get his information?

General DEMPSEY. He's in constant touch with those deployed throughout the region, defense attaches, and in some cases——

Senator WICKER. The defense attache would be a member of the country team?

General DEMPSEY. Sure.

Senator WICKER. Okay. Then proceed ahead.

General DEMPSEY. Okay. So I was made aware that a cable expressing that concern had been sent. I didn't read the cable myself. I'm reflecting what I knew from General Ham.

Furthermore, I don't know whether the cable on the 16th of August resulted in any request from the Embassy team in Tripoli to the State Department. All I can tell you is we didn't get a request at DOD. So I'm not suggesting that State got it and didn't do anything with it. I don't know what—I think the internal deliberations in Tripoli were still ongoing.

What I can tell you with great confidence is we didn't get any request for additional security.

Senator WICKER. Did you know that the Red Cross had been attacked, that Red Cross workers had been abducted, and that the Red Cross subsequently suspended their Benghazi operation? Did you know that?

General DEMPSEY. I did.

Senator WICKER. You did, okay. Did you know that the United Kingdom had undergone an attack and that they had decided to close their mission in Benghazi?

General DEMPSEY. I did.

Senator WICKER. Did you then know about the attack on American interests?

General DEMPSEY. Through the course of the summer?

Senator WICKER. Through General Ham, you knew about the attacks on the United States.

General DEMPSEY. General Ham was very good about reporting the deteriorating security situation in Libya.

Senator WICKER. You did not feel that you as Chairman of the Joint Chiefs of Staff were in a position based on that to make a decision to send in extra security for those American interests there?

General DEMPSEY. I'd like to answer that in two ways. First, this deteriorating situation in Libya wasn't unique. It was in the context—I know that some will suggest it was the worst thing going on. It was among the worst things going on. So in context, the threat streams in Libya were equaled elsewhere with equally significant and threatening intelligence.

Second, that's not what we do. We don't impose resources into a country without the permission, the request of the host nation or the country team in a country.

Senator WICKER. Do you get military resources close by and ready to respond, or must you wait for a State Department request to do that also?

General DEMPSEY. We adjust alert postures according to intelligence where we think the threat is highest.

Senator WICKER. In retrospect, do you wish you had adjusted your alert posture?

General DEMPSEY. In retrospect, looking backwards, in hindsight——

Senator WICKER. 20–20 hindsight.

General DEMPSEY.—sure.

Senator WICKER. What would you have done?

General DEMPSEY. First of all——

Senator WICKER. Would you have put them in Crete? Would you have put them in Libya?

General DEMPSEY. Given the kind of attack that occurred, if they weren't in the immediate vicinity they would not have been able to affect the outcome. As we've discussed previously, this has to be some combination of early decisions.

Senator WICKER. Secretary Panetta, lessons learned. It seems that two factors that allowed this situation to go from bad to worse were the very same ones that allowed the first September 11 attacks to succeed: First, the lack of effective intelligence-sharing. I think enough Americans knew what they needed to know to know this was really, really bad. Second, stovepiped communications between organizations that are supposed to be working together on these sorts of things toward common goals.

So 11 years after September 11, my final question to you: Do you believe we're any closer to breaking down these institutional barriers, and what steps has DOD taken in this regard in response to the Benghazi incident?

Secretary PANETTA. First of all, I do believe, again based on my experience at the CIA, involved with intelligence issues there, that the Intelligence Community is working much better in terms of sharing information, working together, developing the teams necessary to be able to gather intelligence, sharing that intelligence between the entire community. They're much better at doing that and much more effective.

I think the problem remains that it is the gaps on intelligence resources that are out there that, no matter how good your sharing is concerned, if you don't have the information from a resource out there there's going to be a gap and you're going to have the problems that we saw happen here. We have to be able to fill those gaps. We have to be able to get better HUMINT, better SIGINT, into those areas that we don't have good information on. That's number one.

Number two, we have to—in response to this, what we have done is to make sure that we deploy those FASTs that are out there. We've located them in key areas. We've reduced their response time. We now have airlift associated with them. The fact is some of these FASTs did not have airlift; airlift we would have had to deliver from other areas. We now have airlift that is associated with those teams. So we have taken a number of steps to try to improve our ability to respond.

Senator WICKER. When did you take that last step, on the airlift? When did you impose that last?

Secretary PANETTA. We did that early on, soon after what happened.

Senator WICKER. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Wicker.

Senator McCaskill.

Senator MCCASKILL. Thank you, Mr. Chairman.

I was sitting here and whenever Senator Graham questions witnesses it's always—I'm an old prosecutor, too, and he is quite the cross-examination expert and he does a withering cross-examination of witnesses when he's trying to make a point.

I started to feel sorry for you, Secretary Panetta. Then I thought for a minute about who you are and what you have done in this Nation's capital, the service you have provided at the White House, at the Pentagon, at the CIA, in Congress, the years and years of valuable service that you have given to this country. Then I realized you'd be just fine. You didn't need my help with Senator Graham's questioning at all. I thank you for those years of service.

General Dempsey, I want to clarify that you have said today that once the attack occurred you were moving forces.

General DEMPSEY. Yes.

Senator MCCASKILL. All right. Now, I want to ask, is anybody here from the State Department in the audience? If you're here from the State Department, would you raise your hand?

[One hand raised.]

Senator MCCASKILL. Okay, we have one hand from the State Department. I say that because I have a history that I have been involved in doing oversight on embassy security. This history goes back to 2009 when the contracting subcommittee that I chair did a hearing on the embarrassment of ArmorGroup and their ability to protect the Embassy in Kabul.

After that hearing in 2009, ArmorGroup was let go. Then there was a February 2010 hearing of this committee on security contracts in contingencies, and it was a sensational hearing and I mean that in both senses of the word, because there was informa-

tion that came out at that hearing that, if I were at the State Department, I would want to absorb it and get busy.

Now, a report based on that hearing was issued in a classified nature weeks before September 28. But the public report came out on September 28. In that report it said that local Taliban was working with warlords to provide guards and weapons for use in EOD Technology's contracts. It came out that they were failing to adequately investigate the guards' previous employment, which resulted in the company's hiring individuals who had previously been fired for sharing sensitive information, security information, with Taliban warlords; failure to appropriately vet guards, some of whom, according to U.S. intelligence reports, may have been involved in anti-American activities.

Now, all that information was out in a classified way several weeks before September 28—and was out in public September 28. Guess who the State Department gave the contract to for guarding Kabul on September 29? EOD Technology. Then, of course, they were fired for failure to perform, because they could never perform adequately.

Now, we actually—then they wanted to litigate. Now, meanwhile guess who's still guarding? We still had Aegis guarding, which was another problem contractor at Kabul. We still have ArmorGroup. Then we did a contract with Aegis. Now, Aegis finally took over this summer.

Now, I urge you to take a look—you don't have to, Secretary Panetta. You can read a novel. But General Dempsey, I hope you will look at the article that was written January 17 in Foreign Policy magazine about Aegis at the Kabul Embassy and the problems that have already surfaced about them.

Now, I have talked to Patrick Kennedy about this and his staff has come over and briefed my staff that they believe Aegis is doing just fine.

The end of this, I have to tell you: the umbrella contract for high-level security at embassies is a $10 billion contract over 5 years, and it's tasked out to eight different companies. I won't go into the IG report on the background checks that have been done on the eight. But the people that are at Kabul now, it's $100 million a year we're paying them.

I can't believe we can't use the marines in these situations. Somebody has to do a cost-benefit analysis. All that I told you—can you imagine the amount of money that we've spent fooling around with these contractors that weren't getting the job done? Can you imagine the time we've spent on this and the money that has been spent?

I really would like, General Dempsey, for you to talk about the cost-benefit of putting marines on our embassies when we are in contingencies and why in the world this is so hard for us to get our arms around, and where is the analysis that shows me we're saving any money?

General DEMPSEY. Senator, just to react briefly to what would be necessarily a much longer conversation, the marines are not—that's not their role. That's not what they do for the Nation. Could it be at some point? Potentially. I'd hate to think we'd make that decision based on cost. But it would require a longer conversation.

Senator MCCASKILL. I guess my point is, God forbid we have something happen at Kabul, but if we did, a hearing like this would look like child's play if you look at the history of what's gone on in terms of the guard force at Kabul. I want to be reassured that private contractors are working in these situations, but when we do a $10 billion umbrella with the ability to do tasks out for Pakistan, Iraq, Afghanistan, Jerusalem, and it's costing the kind of money it's costing, and we know that these embassies are going to be targets, it just worries the heck out of me that we are going to be in another one of these situations where it's uncomfortable to talk about hindsight instead of foresight.

So I would really like you to look at the highest levels, at a macro level, because the War Contracting Commission said we should not be using private contractors on embassies when we have this kind of heightened security risk. I really think it's time for us to do a gut check on whether or not we should, in fact, be relying on inept local militia or inept contractors.

Secretary PANETTA. Senator, let me just commend you for the work you've been doing with regards to these kinds of contracts and the quality of individuals that are involved.

The reality is that the State Department, as a matter of fact, my old agency, rely on these kinds of contracts for security and that's a reality. Anything you can do to try to make sure that these individuals are well-trained, do the job, and that we're not wasting money would be extremely helpful, because right now we depend a great deal on that kind of contracting.

Senator MCCASKILL. Is there a way we can get back to the point, Secretary Panetta, that we're not relying on a contract force to do what is inherently a government function? It's almost like I hit a brick wall every time I talk about this. Why is it that this has to be a contract function? Why can't we use the best-trained military in the world to protect our most valued assets in our most dangerous places?

Secretary PANETTA. I think the reality, just speaking with regards to my old agency, is that we're deployed in so many areas that you can't expect the military to pop up there and provide that kind of protection; they have to get security on site and get it from the very best people that they can contract with. That has become the reality that we're dealing with.

Senator MCCASKILL. Because of the need to integrate into the community and therefore if you have military it stands out?

Secretary PANETTA. That's right.

Senator MCCASKILL. I can see that, particularly under the aegis of the intelligence agency.

Secretary PANETTA. That's right.

Senator MCCASKILL. But for embassies it seems to me that this shouldn't be such a hard reach.

Thank you both. Thank you, General Dempsey. I hope you enjoy the California weather.

Chairman LEVIN. Thank you very much, Senator McCaskill.

Senator Donnelly.

Senator DONNELLY. Thank you, Mr. Chairman.

Mr. Secretary, thank you for your service to this country. We are so much in your debt for time after time answering the call. Thank you very much.

Major—General Dempsey—much better being a general. Thank you for everything you have done for our forces and for our country.

I want to express my condolences to all the families who have suffered losses in this tragedy; and that we will do everything we can to make sure it never happens again.

Earlier in the hearing, Mr. Secretary, you said that it is not DOD's job to be 911. So the question that struck me is: So when this happens, and it happens so fast and so quick that when you respond in an hour it may already be over by that time. Are we relying on the home country to be 911? If so, as you go through what they're providing to us—you mentioned some are not up to the quality of others at this time. But how are you making that decision that we have people in harm's way and we're relying on a host nation that might not be up to taking care of our people?

Secretary PANETTA. Obviously, it's very important that the ambassador determine what is the situation and whether or not there's a need for action. The 911 is basically the host country that has to respond quickly and provide immediate security around. If that's not there, you have to have security within the Embassy itself. If that's not there, you have to have intelligence that gives you a heads-up that it's a dangerous situation and it's subject to an attack. Then if that's not there, obviously we have to be hopefully in a place where we can be able to respond if we have to.

That's your overall 911 to try to deal with situations in the embassies that are out there.

Senator DONNELLY. Because my concern is, as much as some of these host nations are our friends, that their ability obviously is not as successful as our ability in defending our own. So how do you determine, other than the ambassador telling you, hey, we think we're here or we think we're there? Are there reviews done at DOD when you look at say in a Benghazi or—I don't want to go city by city for obvious security reasons, but when you look at these? How often do you determine, we'll take a look at this this week and see where we are security-wise? I know State is a big part of that as well.

Secretary PANETTA. The best thing we did was State asked us to join a team that would look at security at 19 embassies and determine what exactly was needed there in order to better secure those facilities. I think based on that it gives us the opportunity to then deploy additional marines if we have to and take additional steps to try to make sure that those embassies are not vulnerable.

So we do work with the State Department when asked to try to help provide some guidance with regards to security.

Senator DONNELLY. How often is a review done in some of these places, for instance a Benghazi? Is it on a when the ambassador says, hey, things are getting a little tougher, or every couple of weeks is it looked at as this has deteriorated or has gotten better? What kind of matrix is used?

Secretary PANETTA. The primary matrix for that has to rest with the State Department and the ambassador within that country to be able to review just exactly what is the degree of threats that

they're confronting and then what actions they should take in order to deal with that.

DOD is in a position where we will respond. If we're asked to do something, we will do it. But we're not out there basically making judgments about what embassies are secure or not secure, what are the threats in the various embassies. You have to leave that up to the chief of station and chief of mission to be able to make that determination.

Senator DONNELLY. With our noncombatant evacuation operations plans that we have, we have approximately 285 diplomatic missions out there. How far along are we in having plans for all of them?

Secretary PANETTA. As you said, we have a number of embassies that are out there in the world, and not all obviously are Benghazi or Tripoli or Tunisia. The reality is that in most countries in the world we can rely on the host country to provide security. They're there, they're willing to do it, and they do a good job.

There are some of these embassies in some of these more volatile countries that are of concern, and those were the 19 that were designated by the State Department as ones we had to look at more closely and then try to develop a better approach to providing security, because their part of the problem is the host countries are not very good at providing that kind of security.

Senator DONNELLY. It seems this is so much of a distance and time challenge, that when it happens, how quickly can we respond, how far away are we. Is there almost like a playbook for ambassadors, for the people in those facilities, that here's the steps to follow, jump on these immediately; if this doesn't click, we go to this; if this doesn't click, we go to that?

Secretary PANETTA. The best playbook—I'll let the General respond to this as well. The best playbook is an ambassador who says: We have serious security problems here; we are threatened, and therefore we need to take steps to reduce the number of personnel in our Embassy; we need to take steps to evacuate if we have to. We can then prepare our forces to be able to provide help in that situation. That's the best kind of situation in terms of being able to respond.

General DEMPSEY. Just if I could add, Senator. Each Embassy has a resident security officer, well-trained, and an emergency action plan for every Embassy. Generally speaking, it's updated annually, because I've sat on country teams in various jobs. Then the attaches are integrated into that process as part of the country team.

So that process exists. What Secretary Clinton asked me to do soon after Benghazi was to collaborate with her to see if we could make improvements to that system.

Senator DONNELLY. General, thanks again for your service.

Mr. Secretary, it's been an honor to have you serve in our Government.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Donnelly.

Senator King.

Senator KING. Mr. Secretary and General, thank you very much for your being here. I'd like to associate myself with Senator Cruz's

comments, that I only regret being a first-year Senator, Mr. Secretary, and not be able to work with you, although I am in the process of hiring a legislative assistant for this committee. So if you go back to California and get nostalgic for Washington, let me know, will you? I somehow think that's rather unlikely. [Laughter.]

Secretary PANETTA. Been there, done that. [Laughter.]

Senator KING. I want to follow up on a question from Senator McCain. The Crete base. I don't know the capacity, but given that that was pretty close in terms of transportation time, why was that not an option to get people there faster? Was it a question of who and what is at the Crete base? General Dempsey?

General DEMPSEY. The bases that we have in southern Europe in the Mediterranean area generally speaking have aircraft. The first point I made is that it wasn't the right tool for the particular threat we faced.

Second, the aircraft we have in Europe generally are there in support of NATO and on a different alert posture. That was not among the forces—the aircraft were not among the forces that we had at heightened alert. The heightened alert related to these boots-on-the-ground capabilities that could preemptively get into an embassy or into a compound to thicken its defenses if we had reason to do so.

Senator KING. Those types of troops were not at the Crete base at the time of this?

General DEMPSEY. No.

Senator KING. Now, to follow up, you talk about how everybody wants a fire station next door, it doesn't work. On the other hand, in this case, as you testified, there was about a 13- to 15-hour practical limitation. I gather since this incident you're trying to shorten that. Do you have a target? What would we like to be able to do, particularly in these hot spots, which we can identify in advance?

General DEMPSEY. We're not done making adaptations, but what we did initially was take these Commander's In Extremis Forces, and the FASTs. The standard has generally been N+6 to lift off, plus transit time. So we can reduce the alert posture and we do so, watching not only intelligence, but also watching things like the social media, because sometimes these events crop up out of the social media, believe it or not.

Second then—but you still can't reduce the transit time. That is the limiting factor in AFRICOM, in particular. When I say we're not done making adaptations, we've asked each of the Services to examine their capability to build additional reaction light forces, small, rapidly deployable forces, a small Marine Air-Ground Task Force (MAGTAF) for the Marine Corps, for example, MAGTF and the Army is looking at some options as well, to increase the number of these resources across the globe.

The limiting factor, though, will always be basing, especially in AFRICOM.

Senator KING. So you are moving the fire stations nearer.

General DEMPSEY. We're trying to build more firemen. The question is whether I can build the stations to house them.

Senator KING. I got it.

Secretary Panetta, a question that doesn't really relate to today's discussion, but you're in a unique position. This committee is con-

sidering a nominee to be your successor, Senator Hagel, and later today I'm going to be at a hearing of the Senate Select Committee on Intelligence, talking to John Brennan. Could you give a brief assessment of those two gentlemen and their capabilities and readiness to assume these important positions?

Secretary PANETTA. Obviously, that's something that the committees now have the opportunity to evaluate. But in my view, both of them are outstanding individuals that have a great deal of experience and capability to be able to perform in an outstanding fashion in each of their jobs. Senator Hagel is someone who served in the military, worked up here on the Hill, understands the issues that are involved there, and I think can be a very effective leader at the Pentagon.

John Brennan is somebody I worked with as Director of the CIA and continued to work with in this capacity. I always found him to be very responsible about how we can effectively conduct operations against al Qaeda and against those that would attack this country. He is, as somebody said, a straight shooter, somebody who gives you his best opinion. He doesn't play games. He's someone who I think can really honestly represent the best protection of this country in that job.

Senator KING. Thank you very much. I also want to thank you for your forthright comments today about the sequester. Ironically—as I've taken some notes on what you've said and what you said in your statement—it appears that as of today the greatest threat to American national security is the U.S. Congress.

Thank you, Mr. Secretary.

Chairman LEVIN. Thank you, Senator King.

Let me mention this. After Senator Nelson, the first round will be over. There may be a number of us that would want a few minutes on a second round, and you two witnesses have been here for about 3 hours and you may need a 5- or 10-minute break. The question is do you want that immediately following Senator Nelson or do you want to go right through? I can't guarantee you how many Senators will come back and want 2 or 3 minutes each.

Secretary PANETTA. I think if we can take a short break it would be helpful.

Chairman LEVIN. Right after Senator Nelson we will then have a 10-minute break.

Senator NELSON. Do you need a short break before? What's your pleasure, Mr. Chairman?

Chairman LEVIN. Since you ask——

Senator NELSON. I'll make it quick.

First of all, thank you, Mr. Secretary. You've been an old and dear friend and you have served your country exceptionally well. Thank you.

I want to just hit a couple of things, because we've had accusations made here that there was 7 hours of warning. The truth is when—now, I'll give you some leading questions and if you will just answer what you can in an unclassified setting. The so-called first attack was not an attack of shooting, was it? Wasn't it suddenly the guards out front disappeared and suddenly people just walked into the compound?

Secretary PANETTA. That's correct.

Senator NELSON. This occurred until someone fire-bombed the main building, which housed the ambassador and the mission; is that correct?

Secretary PANETTA. That's correct.

Senator NELSON. Then a response team coming from a nearby location tried to get there by one route and determined that route was not the correct one and went another route; is that correct?

Secretary PANETTA. Correct.

Senator NELSON. But then they got there, got inside, rescued one of the people, but in the process of getting them out, in all of the smoke and the fire, the ambassador was not retrieved from the building.

Secretary PANETTA. That's right.

Senator NELSON. Okay. Then things stopped and they stopped for a number—as the rescue team and the survivor retreated to the annex, which was some distance away. I don't recall the amount of distance.

Secretary PANETTA. About a couple of miles.

Senator NELSON. Okay. So everything stopped. An hour or 2 later, then there was an attack on the annex. Is it true that the main building at the annex was not penetrated?

Secretary PANETTA. That's correct.

Senator NELSON. Okay. Then that subsided; is that correct?

Secretary PANETTA. That's correct.

Senator NELSON. Then for a period of some 3 hours or more nothing happened. Then the attack of the mortars, which is going through the roof. That's what killed the two that were there in that building.

Secretary PANETTA. I think they were actually on the roof. That's how they got——

Senator NELSON. I see. Then that's a lot different from saying that suddenly you had 7 hours of warning, that what appeared to start stopped, a retreat to an annex, an attack there that was successfully repelled and stopped, and then hours later a mortar attack. So I would, Mr. Chairman, like the record to show that what has been characterized here is in the evaluation of the decision-makers about their ability to get a response team in there—is it also correct that the response team from Tripoli were landing on or about the time that the mortar attack started?

Secretary PANETTA. That's about right. When they landed, they immediately went there and came under fire.

Senator NELSON. Finally, I'd just say, going to the sequester, to respond to these kind of attacks in the future—and there will be these kinds of attacks in the future—sequester certainly wouldn't put you into a better position in order to respond, would it?

Secretary PANETTA. Absolutely not. We'd have a hard time trying to provide the resources that we would need in order to be able to do this.

Senator NELSON. Thank you, Mr. Secretary.

General DEMPSEY. If I could——

Senator NELSON. General?

General DEMPSEY. I want to make just one comment related to your chronology because I think it's important. Once we started moving forces, nothing stopped us, nothing slowed us. The only ad-

aptation we thought about making was for a period of time we thought we were going to be entering a hostage rescue because we didn't know where the ambassador was. But once we started forces moving, they didn't slow, they didn't stop.

Senator NELSON. You didn't know the situation with regard to the ambassador until hours later, when, in fact, some Libyans had come into that facility and tried to rescue him and found him at that point unresponsive from smoke inhalation.

Secretary PANETTA. That's right.

Senator NELSON. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Nelson.

We're going to take a 10-minute recess.

[Recess from 1:25 p.m. to 1:36 p.m.]

Chairman LEVIN. We have two Senators, one of whom is here and the other one who is coming, who have not had a first round. Senator Blunt is the first of those two Senators who has not had a first round, so I'm now going to call on Senator Blunt.

Senator BLUNT. Thank you, Mr. Chairman, and thank you for your indulgence. I was at a press conference talking about a mental health bill that I think, General Dempsey, will have some real impact on people who have left the military, and they're looking at the community health centers as a mental health model.

One question I have. I saw, General Dempsey, in your comments over the weekend—I think it was on "State of the Union"—that looking back you don't know of anything you could have done differently. Was that your response?

General DEMPSEY. That was my response, yes, Senator.

Senator BLUNT. How about looking forward? What would you do differently or what are we—let's do that in two questions. One, what would you do differently if the same circumstance occurred again? What are you doing to prepare for a different kind of response?

General DEMPSEY. Two things. One is the ARB, the Pickering-Mullen review board, made 29 recommendations and both the State Department and DOD have accepted and will implement all of those.

Separately, Secretary Clinton and I agreed to a review of embassy security in any number of locations, the result of which will be to focus on 19 of them to try to improve their security situation.

We also, internally to the Joint Staff and with the combatant commanders, worked on a white paper, described as "The New Norm," to account for the lack of host nation capability in some parts of the world. The Secretary already mentioned that some of the results of that include the augmentation of the MSGs, changing the posture level, directing combatant commanders to have additional forces as reaction forces. So we're continuing with——

Senator BLUNT. With "The New Norm," are we repositioned in a way in this dangerous part of the world and many areas you have both mentioned today where we could respond now quicker than 7 hours? If we had the same 7-hour window, could we get somebody there?

General DEMPSEY. Senator, in many places the answer is yes. The limiting factor in Africa are bases, frankly. We don't have a base architecture, with the exception of Djibouti on the east coast,

where we could position forces. So what that requires is earlier decisionmaking collaboratively with the State Department and I'll describe them as preemptive requests. The earlier decisionmaking can be to close an embassy, as we did recently—I say "we"; the State Department did—in the Central African Republic. It can be thinning it out, as they did in Khartoum. Or it can be asking for additional security forces.

Senator BLUNT. On one other area, I know at least for the first several years after September 11 there was always an active discussion of what was going to happen on September 11. Now, on September 10 Zawahiri did a video where he actually talked about al-Libbi, the Libyan, being killed by Americans, and how they must get even. Secretary Panetta, are you aware, was there any evaluation of what that might mean and whether we should be thinking about how to respond to that threat?

Secretary PANETTA. My recollection is that that was all part and parcel of looking at the general counterterrorism situation that we were concerned about in the region. The issue, frankly, that was probably more preeminent the day before was what would be the impact of that video that was coming out that inflamed a lot of the situation in the area.

Senator BLUNT. I would have thought from the Zawahiri video that there would have been some sense that Libya could be a target. I don't know if we have stepped back from our view that al Qaeda was able to do things, and I'm not saying this was a total al Qaeda operation, but clearly al Qaeda's out there talking about a Libyan that was killed and how we needed to get even with the Americans for that the day before all this happened. It concerns me that there appears not to have been the evaluation that I think went on pretty aggressively for the first 8 years or so after September 11. I hope one thing surely we're getting out of this is that there are still terrorists in the world and they still want to do us harm.

Secretary PANETTA. No question about that. Senator, there are elements of al Qaeda throughout that part of the world, and they represent a continuing threat in that part of the world. That's why we're doing the operations we're doing in Yemen. That's why we're doing the operations in Somalia and, frankly, that's why we're assisting the French with regards to al Qaeda in the Islamic Maghreb.

We do have to be vigilant about the elements of al Qaeda, where they are, where they can be, and the kind of threat that they represent.

Senator BLUNT. My last question will be: Did we call on anybody else who had friendly forces in Benghazi to come to our assistance? The Turks? People we had helped in that area recently by coming to their assistance, did we ask for any help that might have already been on the ground there?

General DEMPSEY. The only military forces were the 17 February Militia and the call went to them immediately, because they had been supportive of us ever since the overthrow.

Senator BLUNT. There were no alternative security forces——

General DEMPSEY. No.

Senator BLUNT.—that other countries had?

General DEMPSEY. None that we were aware of.

Senator BLUNT. That we could have called on? If we weren't aware of them, I guess we didn't call on them.

Now, we had come to the aid of—I think there was an attack on someone from Turkey within the previous month, and we had sent some people to that scene. I've always wondered why we didn't try to further secure the people we had there, if we couldn't get people there. You're telling me, General, that there was really nobody to call on?

General DEMPSEY. I'm telling you that I wasn't aware of any, nor was the Commander of AFRICOM.

Senator BLUNT. Are we evaluating whether we're going to use groups like February 17 again or not?

General DEMPSEY. Absolutely.

Senator BLUNT. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Blunt.

Senator Hirono.

Senator HIRONO. Thank you very much, Mr. Chairman.

Secretary Panetta and General Dempsey, thank you so much for your testimony for the last number of hours. Of course, Secretary Panetta, I join my colleagues in thanking you for your service to our country. You came out of retirement to help this country and serve in very challenging times, and my very best to you in your future endeavors. Of course, you did an outstanding job at both the CIA and at DOD, and especially today as we talk about the need to coordinate the efforts across various departments, I think, your experience will be very much missed. You led the men and women of both organizations with tremendous competence, passion, and conviction. I thank you very much.

Of course, I am very envious of the fact that you get to go back to a beautiful place, the Monterey Peninsula, a place that I've visited often.

For the Americans who lost their lives in Benghazi—Ambassador Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty—they were heroes and they represented our country proudly. While I understand that there are often risks involved in diplomatic work, I want to ensure, as do all of us, that we do everything we can to ensure the safety and security of our people who take on these assignments in often dangerous circumstances.

Now, the State Department's ARB described a gap in intelligence coverage for the area and it is one of their findings, number 4. Mr. Secretary, drawing from your experience at DOD and the CIA, in your estimation what caused this gap in intelligence? Was it a tasking prioritization issue with just too many areas to watch? Or are there structural impediments within or among the intelligence organizations that led to the tragedy in Benghazi? How would you improve the situation?

Secretary PANETTA. It's a huge challenge. Obviously, our ability to develop the sources that we needed in going after al Qaeda in Pakistan was critical. The same thing was true in Afghanistan, to be able to go after the targets there, develop those resources. In Yemen, we had to develop a whole base of better sources in order to be able to conduct the operations there. The same thing was true in Somalia.

So there's a whole issue of prioritizing what are those areas where we have to develop essential resources in order to get better intelligence. I'm sure that was one of the things involved here.

Second, there was a situation where Libya to some extent and what happened in Libya—I'm sure that there was an effort to try to develop the security capabilities within Libya so that they could develop their own resources to try to assist in providing that information. Sometimes if that—normally in most countries, it isn't just our ability to use our own sources. We in many places rely on other countries and their intelligence sources to be able to add to our intelligence. Libya was having a much more difficult time being able to do that. I think it's for those reasons we didn't have the kind of intelligence we should have had.

Senator HIRONO. So in places such as Libya, which is an emerging new government, that goes into your assessment of the prioritization that needs to occur?

Secretary PANETTA. That's right.

Senator HIRONO. Having learned from what happened, if we are in that kind of a situation where we really can't rely on the capacity within the country's forces, I think that probably leads to a more heightened priority for those areas in terms of the safety of our people.

Secretary PANETTA. Yes. It's obvious now that, recognizing that we try to do what you can to develop your own sources, try to develop the other country's capabilities with regards to intelligence, and develop other approaches that we have in terms of technology, being able to gather the kind of intelligence we need.

Senator HIRONO. Is that happening?

Secretary PANETTA. Yes, it is.

Senator HIRONO. I don't know if there are—can you cite to a very specific thing that is fostering this kind of change as a result of our tragedy in Benghazi that you can talk about?

Secretary PANETTA. I think the Intelligence Community, recognizing the recommendations that came out of the accountability report, are taking steps to try to ensure that that gap no longer exists.

Senator HIRONO. So in terms of just the coordination, there are some specific steps that are being taken to coordinate between State, the Intelligence Community, and DOD?

Secretary PANETTA. That's correct, trying to improve the ability to get the intelligence, get it to the State Department, and then the State Department, based on that, can make decisions as to whether or not they should request our help.

Senator HIRONO. Now, in listening to your earlier testimony, I think that some of it was that there seemed to be gaps in terms of the information you were getting as to what was happening in Benghazi. So have steps been taken to make sure that those kinds of communications occur instantaneously or while the event is occurring?

Secretary PANETTA. Steps I know are being taken to try to improve that intelligence capability.

Senator HIRONO. Can you talk a little bit more—I think I still have a little bit of time—on what the impact of sequestration

would be in terms of our ability to safeguard our men and women in these hundreds of embassies and offices throughout the world?

Secretary PANETTA. If sequester did take place and we had to take the amount of money that is required by sequester, clearly the one place we'd have to go is into our readiness and maintenance accounts. Readiness would require that we had to reduce training for our military in each of the branches. So that the problem you ultimately confront is that, while you have capable, trained people in the war zone and elsewhere, that you lack the capability to have well-trained individuals that you can deploy elsewhere. That creates a real readiness crisis for us.

Senator HIRONO. Thank you, Mr. Chairman.

Thank you.

Chairman LEVIN. Thank you very much, Senator Hirono.

Senator Blumenthal is next.

Senator BLUMENTHAL. Thank you, Mr. Chairman.

I want to join my colleagues in thanking you, Secretary Panetta, for your extraordinary service to our Nation and the personal association and time that you've devoted to all of us on this panel and other Members of Congress.

General Dempsey, thank you as well for your service, and to both of you for your very forthright and credible and significant testimony today explaining some answers to questions that are painful, I think, for all of us and I know for you, having attended the services and ceremonies in honor of these brave patriots and heroes, as you called them, and also your knowledge personally of them.

I am struck, as Senator Kaine was, by the provocative, I would prefer to call it powerful, statement that you've offered regarding the effect on the Nation's readiness in the event of sequester. Like Senator Kaine and other members of this panel, I believe that we ought to do everything we can to avoid those catastrophic consequences of across-the-board cuts. I share your alarm about them, not only in the effect on deployments, but also on the readiness that results from adequate training and preparation, which in turn affects our ability to respond to crises like Benghazi.

All of us are fond of saying that our people are our greatest asset, which is true. The failure to provide the training and career opportunities to them that are needed, I think, would be one of the most catastrophic consequences of sequester.

Secretary PANETTA. Senator Blumenthal, if I could.

Senator BLUMENTHAL. Please.

Secretary PANETTA. Specifically, with regards to something that's in your State, Electric Boat, and the magnificent workforce that's up there that puts our submarines together, if we're in a situation where we have to cut back on maintenance and cut back on that kind of production, the worst thing that could happen is losing the skills in that kind of workforce, because once they're laid off or once they don't have a job, the ability to be able to regain that kind of expertise is not easy to do.

Senator BLUMENTHAL. Not only not easy to do; sometimes impossible to do.

Secretary PANETTA. That's right.

Senator BLUMENTHAL. Our defense industrial base is often unappreciated, our civilian workforce and the tremendous skills

they bring to the production at Electric Boat; likewise at Pratt and Whitney, where the Joint Strike Fighter engines are produced; similarly at Sikorski, where helicopters are made; across Connecticut, across the country. I think the defense industrial base is under threat, and it is the skilled, dedicated workforce that is the companion asset to our men and women in uniform that are so important.

I would hope that, whatever the results in the next month, that we can continue to keep in place that workforce. I think you share that view.

Let me turn to another area of personnel that I think is very important. Because you are here for your last time—and I know you will deeply regret not appearing before this panel. You can agree with me because you're not under oath. I'm taking advantage of your being here to raise a question about an area that, I think, is very important, the decision of the Pentagon and the Department of Veterans Affairs (VA) to abandon the plan for a unified health care records system, announced very recently.

This decision is a tremendous setback for an effort that really has been ongoing for years, if not decades, to provide for a streamline in timely process, faster decisions on benefits, less duplication of medical testing, more efficient, cost-effective treatment for both physical and mental health needs. This single unified health care system has been a longstanding goal and I am very regretful and disappointed that the decision has been made to abandon it after devoting a billion dollars, I think so far, a billion dollars, to create it. I would invite your explanation.

Secretary PANETTA. Thank you, Senator. First of all, let me say I do not believe that the idea of developing ultimately that unified system has been abandoned. What we wanted to do was we knew that developing that system has taken years, it's going to take more years, it's going to cost a great deal of money as we do that. But in the interim we have to do everything necessary to create interoperability between the VA and the DOD so that doctors who are dealing with these individuals can bring that information together.

We can do that interoperability using existing systems, and we've been able to do it at some of the institutions. We wanted to develop that at about nine other institutions to do that. We can get that done by July of this year, and that's why we wanted to stress that.

But I want to assure you that the work on an ultimate single system that will require new technology to be able to get that accomplished is still going to continue to be worked on.

Senator BLUMENTHAL. That's good news, and it also conflicts with some of the news reports I've seen, which, to quote one, "Defense Secretary Leon Panetta and VA Secretary Eric Shinseki announced on Tuesday that they were scrapping the one-time plan to create an integrated electronic recordkeeping system." You are saying that you and Secretary Shinseki are not doing so?

Secretary PANETTA. No. We're not scrapping that. Our intent is obviously to continue working on that. But what we wanted to do was to create this interoperability sooner and on a faster track so we could provide the information doctors need in order to be able to create some symmetry between DOD and the VA.

Senator BLUMENTHAL. So if I can articulate it a different way, in oversimplified layman's language, in effect you're adopting a first stage solution that involves interoperability, but proceeding with the larger system and longer term more effective single health care records system that's contemplated?

Secretary PANETTA. That's correct.

Senator BLUMENTHAL. Thank you. Thank you very much to both of you for your testimony today. It's been very helpful, and thank you for your service as well.

Thank you, Mr. Chairman.

Chairman LEVIN. We're going to begin a second round and we're going to have a 3-minute second round, and then our witnesses must leave by no later than 2:30 p.m. and I hope before because we have a vote scheduled for 2 p.m.

I just have two questions. The first has to do with the question which was asked to you by Senator Graham. I think both of you answered this, I think mainly you, Secretary Panetta, about how many times did you talk to the President during the day of these events. I think your answer was once during. I think, General, you also indicated once during.

Then there was a question as, you mean he never got back to you to find out what was going on? I think you were starting to say, Mr. Secretary, that he has a number of other sources of important information, including his own chief of staff, and I presume too the chairman of the National Security Council or others that he would be in touch with could call, who were much closer at hand in the White House to him than you are at DOD.

Do you know how many times that day, if any, the President talked to his chief of staff or to the National Security Council people?

Secretary PANETTA. I don't know how many times he was in contact, but we were in contact with the staffs there. There was a DC, which is a deputies meeting, of the National Security Council that met at I think 5 or 6, 6 or 7 p.m. that evening, in which everybody was represented, including obviously the National Security Council team, as well as the teams from State and elsewhere, CIA, the Director of National Intelligence (DNI).

In addition to that, obviously our staffs were in constant touch with the White House to alert them as to what was taking place and what information we had. So, it's just the nature of the White House that Presidents of the United States make use of a broad sphere of staff that are involved with these issues to work these issues and continue to be in touch with him as to what's taking place.

Chairman LEVIN. Now, relative to those unclassified talking points that were prepared at the request of Congress by the Intelligence Community that were erroneous, through no fault of her own Ambassador Rice used them, bore the brunt of the criticism for the use, although she didn't prepare them. Are you familiar, either of you, with those talking points and did the Defense Intelligence Agency (DIA), participate in the production of those talking points, do you know?

Secretary PANETTA. We did not and we were not aware of the talking points at the time.

Chairman LEVIN. Do you know whether or not DIA was part of the Intelligence Community which prepared those talking points?

Secretary PANETTA. I am not aware that they were involved in that. I think it was the DNI that prepared the talking points.

Chairman LEVIN. Okay, thank you. You don't know how he could have been—have you talked to him as to how he could not have known or how they could not have known that the talking points that they handed to Ambassador Rice and others were erroneous?

Secretary PANETTA. I have not.

Chairman LEVIN. Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

I want to try to do this fast here, one more run at this same issue that no one else seems to be wanting to talk about. It could be argued that there are two attacks, one on the compound, one on the annex. I'm not sure how close they were together, but let's just assume that that's one of the possibilities. Let's forget about the compound one. Just the annex attack.

The Intelligence Community has said that it's irresponsible for any terrorist professional not to know that it was a planned terrorist attack at the moment the RPG and the six coordinated mortars took place. I think almost everyone else agrees with that. That happened right on the same day or the morning after because it was in the middle of the night.

Secretary Panetta, do you believe that unequivocally at that time we knew that this was a terrorist attack?

Secretary PANETTA. There was no question in my mind that this was a terrorist attack.

Senator INHOFE. Okay, good. I was going to say that and I appreciate that very honest answer. That took place, that realization took place, at the time that the RPG and all these sophisticated things, such as the coordinated attack took place; is that correct?

Secretary PANETTA. My own experience was that RPGs show up and these other arms show up, that there's something that's planned here.

Senator INHOFE. This was a planned terrorist attack. I was going to suggest——

Secretary PANETTA. It's a terrorist attack. I think Secretary Clinton and others also identified it as a terrorist attack, and that was my view.

Senator INHOFE. Mr. Brennan, who is going to be having a hearing later on today that I will not be able to attend, I would consider him to be one of the foremost intelligence experts around, with what, 20 or 25 years experience; would you agree with that?

Secretary PANETTA. Yes, indeed.

Senator INHOFE. He stated to me and will state again this afternoon the same thing you just said, that we realized at that moment it was a planned terrorist attack.

Now, the only question I want to ask you, and I'll ask you for an answer now and I doubt if you will have a very good answer—but after that I'd like to have you think about it and give an answer for the record—and that is, with everyone agreeing, including Secretary Clinton, that right after this took place that it was, in fact, a planned terrorist attack, how in the world could Ambassador Rice say, "The information"—this is 5 days later—"The informa-

tion, the best information, and the best assessment we have today is that, in fact, this was not a preplanned, premeditated attack"?

Secretary PANETTA. Again, I was not involved in the talking points that were presented to her, but obviously the Intelligence Community provided an assessment to her and she relied on that assessment when she went on the news.

Senator INHOFE. I certainly believe that it was to the benefit of the administration to try to push that. But it didn't work, and I would only suggest that people pay attention not to that fact, because to me, with all the things we've been talking about, this is one of the really significant things that has not yet been explored. I appreciate your very straightforward and honest answer to that.

[The information referred to follows:]

As I stated during the February 7, 2013, hearing, there was no question in my mind that the attack on September 11, 2012, was a planned terrorist attack. As the Department of Defense was not involved in the preparation of Ambassador Rice's talking points, I am unable to comment further on the details included in those talking points, and I refer the committee to the Office of the Director of National Intelligence for further information.

Senator INHOFE. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator Ayotte.

Senator AYOTTE. Thank you, Mr. Chairman.

I wanted to ask about—as I understand it, General Dempsey, you had, I don't know if it was on a show, but Senator Blunt had asked you, that looking back you didn't know anything you could do that could be done differently. As I understand it, we had a security team in Tripoli. Six of them came to Benghazi. They arrived about 15 minutes at the annex before the second attack. Is that right?

They had two DOD personnel with them, remnants of the site security team that were in Tripoli. Originally, we had a larger site security team in Benghazi, so they had to charter a plane to get there. That surprises me, to think about the fact that you testified earlier that you were aware from what Ambassador Stevens said that the consulate couldn't withstand a coordinated attack; the assets that we did have in theater, that they'd actually have to go out and try to charter a plane to get somewhere.

Why wouldn't we have an Osprey, a standard helicopter, any aviation assets there to be able to get to an area within country to provide assistance, in light of the fact that there was a deteriorating security situation, in light of the fact that you were aware that the Ambassador had said that the consulate couldn't withstand a coordinated attack?

General DEMPSEY. Thanks, Senator. While you were out I actually made sure I was clear about how I knew what I knew. Everything I knew was from General Ham's report to the Secretary through me.

Second, in terms of—we didn't have an official DOD presence in Libya.

Senator AYOTTE. But I'm shocked that we had to rely on chartering a plane. Why wouldn't we have something there, some kind of aviation asset that would allow us to get from Tripoli to

Benghazi, in light of what we knew about the security situation and the attacks listed on that board?

General DEMPSEY. I would just reiterate, we didn't have an official DOD presence in Libya.

Senator AYOTTE. But two DOD personnel had to charter a plane. I think about what it takes to charter a plane. If we had had aviation, some form of aviation assets there, we could have gotten to Benghazi sooner; would you agree?

General DEMPSEY. If they had a plane, sure, they would have gotten there sooner.

Senator AYOTTE. Also, I wanted to ask you, Secretary Panetta. You had said that you didn't end up deploying based on a response—I think Senator Graham had asked you, why didn't we have people going, moving? We had them on deployment status, but we didn't have them moving. I believe you said you thought that it was because it was over after the first attack.

Secretary PANETTA. Again, the forces were moving. We had deployed these FASTs. They were moving. We did not in any way stop the movement forward. The problem was taking them then and deploying them to Benghazi. By the time we reached that point, the attack was over and we had evacuated all of the people out of Benghazi.

Senator AYOTTE. But were planes flying? Were troops moving? The minute this attack occurred we had an ambassador missing. Were people going to Benghazi?

Secretary PANETTA. We had alerted all of these task forces to be in place, to move in that direction, and they were moving to get there. The problem we had, as I've explained, is again the issue of time and distance and being able to move them quickly enough to respond before the event was over. That just was not the case.

The board that was headed up by the Ambassador and Admiral Mullen came to that conclusion. There was no time or space available to be able to respond in time. That was their conclusion.

Senator AYOTTE. I know my time is up, but when I look at your testimony or the list that we were given, on page 2, there's a list of prepare to deploy, prepare to deploy, prepare to deploy. It's not deployment, actually going toward Benghazi. So it doesn't seem to me that we were moving with a sense of urgency, given that we had an ambassador missing.

General DEMPSEY. If I could just help with that one, Senator. The process as you tell a unit to prepare to deploy, when they report readiness you tell them to move. That's just a piece of the process. There was nothing that held them up.

Senator AYOTTE. Thank you.

Chairman LEVIN. Thank you, Senator Ayotte.

Senator Graham.

Senator GRAHAM. Mr. Chairman, I'd like unanimous consent to put this map into the record here, as part of the file.

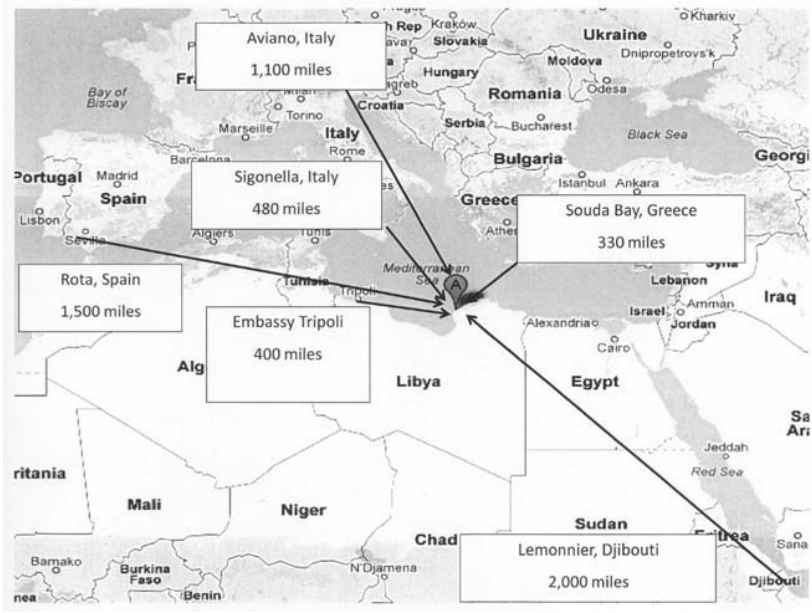
Chairman LEVIN. That would be fine. Can you tell us what map that is?

Senator GRAHAM. Yes. It talks about different airbases, naval bases, surrounding Benghazi, Libya.

Chairman LEVIN. Thank you.

Senator GRAHAM. So I'll put that in the record.

[The information referred to follows:]



Senator GRAHAM. One, you've been both very candid. Thank you.

I want to make sure I understand what you said about Syria. Both of you agreed with Petraeus and Clinton that we should start looking at military assistance in Syria; is that correct?

Secretary PANETTA. That was our position. I do want to say, Senator, that obviously there were a number of factors that were involved here that ultimately led to the President's decision to make it non-lethal—I supported his decision in the end. But the answer to your question is yes.

Senator GRAHAM. For both of you?

General DEMPSEY. Yes.

Senator GRAHAM. It's certainly up to the President to make all these decisions.

Who was in charge in Benghazi? Were you in charge, Secretary Panetta?

Secretary PANETTA. What do you mean, in charge?

Senator GRAHAM. As running the operation, trying to find a way to save our Ambassador who was lost, trying to prevent our people from being killed, providing assistance to people who were under attack. A simple question. If the families ask me, would it be fair to say that you were in charge?

Secretary PANETTA. It's not that simple. I think the people that were in charge were the people on the ground——

Senator GRAHAM. Would you say Secretary Clinton was in charge?

Secretary PANETTA. Pardon me?

Senator GRAHAM. Was Secretary Clinton in charge?

EXHIBIT 7

S. HRG. 113–164

DEPARTMENT OF DEFENSE'S RESPONSE TO THE ATTACK ON U.S. FACILITIES IN BENGHAZI, LIBYA, AND THE FINDINGS OF ITS INTERNAL REVIEW FOLLOWING THE ATTACK

HEARING

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

FEBRUARY 7, 2013

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ments. I hope that Secretary Panetta and Chairman Dempsey will provide the committee with details on the circumstances that led them to these decisions.

Since September, there's been a great deal of focus on the supporting role that the Marine Corps guards play in many U.S. diplomatic missions abroad. The Marine Corps did not have an element in Benghazi as it was not an embassy, but a Temporary Mission Facility. The committee will be closely monitoring the use of these marines. Our National Defense Authorization Act for Fiscal Year 2013 requires the Secretary of Defense to conduct an assessment of the mission of the Marine Security Guard (MSG) program, whether it should be expanded, and a report to Congress on the results of this review.

More immediately, the provision requires the Secretary to develop a plan to increase the number of marines in the MSG program by up to 1,000 marines to improve security at our embassies, consulates, and other diplomatic facilities. Based on Secretary of State Clinton's recent testimony before Congress, it is clear that the State Department and DOD are already consulting on this review.

The Secretary of State's ARB focused on the need to ensure the State Department puts greater focus on high-risk, high-threat posts, as well as posts where the host nation, despite having the will to protect diplomatic facilities, does not have the capacity to protect them.

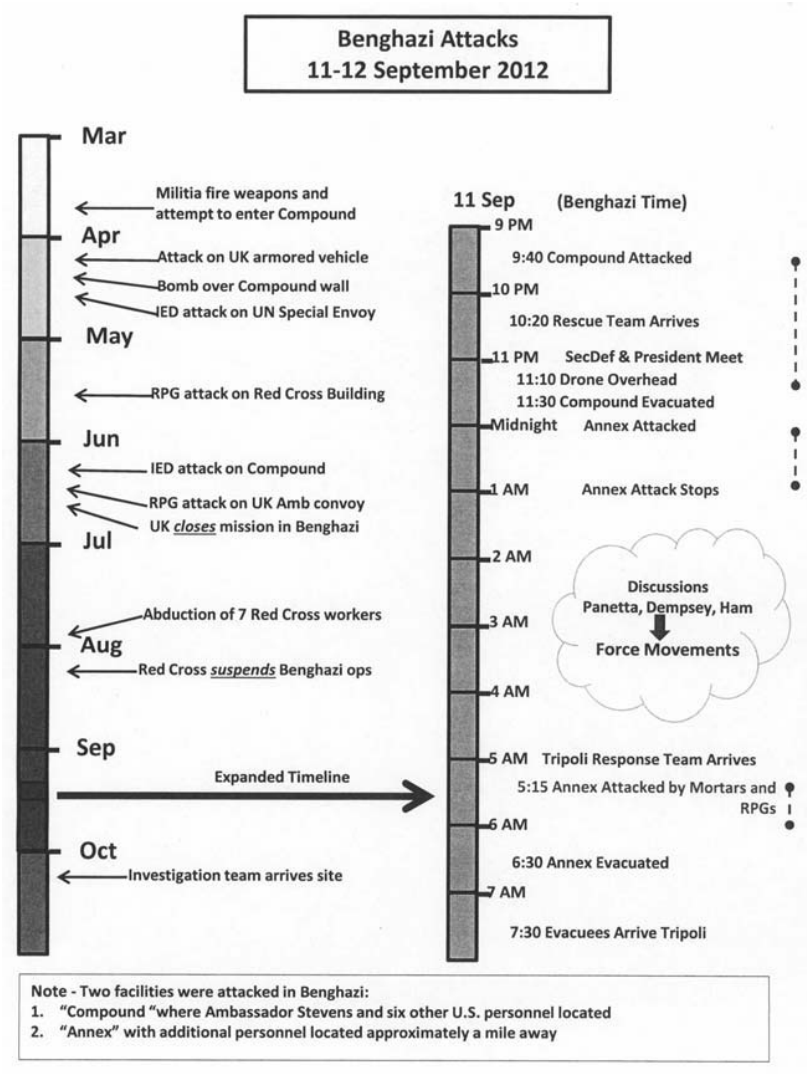
In some cases, these posts are located in countries where DOD and the State Department have assistance programs with similar objectives. These are perhaps areas where the two Departments can explore whether additional collaboration is appropriate.

During Secretary of State Clinton's recent testimony before Congress, she emphasized the importance of properly resourcing U.S. Africa Command (AFRICOM). AFRICOM reached full operational capability less than 5 years ago and has been what's called an economy-of-force effort to date.

The events of last September raise questions about the adequacy of DOD's resourcing with respect to AFRICOM in terms of funding, assigned personnel, and intelligence, surveillance, and reconnaissance support. As an example, until the beginning of the current fiscal year, AFRICOM did not have a dedicated Commander's In Extremis Force, which is an emergency standby force, but rather it shared its force with U.S. European Command.

In recent years, the committee has sought to provide DOD with flexible AFRICOM-specific authorities to support the burgeoning requirements of the command, such as the African Cooperation Authority, targeted train-and-equip authorities to support deployments of the African Union mission in Somalia, and flexible military construction authorities. The committee looks forward to learning whether any additional actions might be taken to further support AFRICOM's programs and operations.

Unfortunately, today much of the discourse about the events surrounding the deadly attack against our facilities and people in Benghazi have focused on the preparation and dissemination of unclassified talking points that were prepared at the request of Congress by our Nation's intelligence professionals and approved by



Senator INHOFE. We know that on May 22, the Red Cross was hit with an RPG. They left town. We know that on June 11, the British Ambassador's motorcade was attacked by an RPG. They left town. We know that on April 10, the United Nations convoy was hit by an improvised explosive device (IED), and on June 6, the U.S. Consulate was attacked with a bomb, and many, many, many other things. But we stayed; we didn't leave.

While I understand the State Department has primary responsibility for the protection of American diplomats around the world, I also understand that DOD plays an important supporting role to this effort. I expect our witnesses to explain today why, given the

of the world; and how did you do what your posture and capabilities allowed?

General DEMPSEY. Thank you, Senator. Let me begin by saying I stand by my testimony, your dispute of it notwithstanding. But I would like to say that we based——

Senator MCCAIN. Perhaps you can give me some facts that would substantiate it.

General DEMPSEY. Sure, I will, Senator. We base our response on the combined effects of what we get from the Intelligence Community—and that's the network of intelligence agencies—as well, importantly, based on what we get from the State Department and the chief of mission and chief of station in the country.

Senator MCCAIN. Did you ever get the message that said they could not withstand a sustained attack on the consulate?

General DEMPSEY. I was tracking that intelligence. I was tracking through General Ham——

Senator MCCAIN. Did you receive that information?

General DEMPSEY. I did, and I saw it——

Senator MCCAIN. So it didn't bother you?

General DEMPSEY. It bothered me a great deal. But we never received a request.

Senator MCCAIN. Then why didn't you put forces in place to be ready to respond?

General DEMPSEY. Because we never received a request to do so, number one; and number two——

Senator MCCAIN. You never heard of Ambassador Stevens' repeated warnings about the lack of security?

General DEMPSEY. I had, sir, through General Ham. But we never received a request for support from the State Department, which would have allowed us to put——

Senator MCCAIN. So it's the State Department's fault?

General DEMPSEY. I'm not blaming the State Department. I'm sure they had their own assessment.

Senator MCCAIN. Who would you blame?

General DEMPSEY. Sorry, sir?

Senator MCCAIN. Who is responsible, then? It is clear that an assessment was made that they could not withstand a sustained attack on the consulate, with it being September 11 and many other indications that are on that board over there and the various attacks that have already taken place.

General DEMPSEY. I stand by the report of the ARB. But I would also say, Senator, I was also concerned at that time with Sanaa in Yemen, Khartoum, Islamabad, Peshawar, Kabul, Baghdad. We had some pretty significant intelligence threat streams against those places as well.

Senator MCCAIN. I've seen some of those estimates and none of them rose to the level of the threat in Benghazi. Did they rise to that level, that they could not withstand a sustained attack?

General DEMPSEY. Yes.

Senator MCCAIN. They did?

General DEMPSEY. Yes, they did.

Senator MCCAIN. So basically you're saying what our postures—our capabilities allowed, you did what our capabilities allowed. We

General DEMPSEY. Senator, your description of how we are trying to prepare the force is accurate. We clearly don't have authority to do all of that, but we are trying to grow the right force so that if it became necessary and we had the authority to do all of those things we would be prepared.

The National Guard will always be part of any endeavor. I think we'll find the right balance of Active and Guard as we move ahead.

Senator GILLIBRAND. Are there any particular obstacles that you can see now in terms of using the Guard with a greater deal of responsibility in cyber?

General DEMPSEY. No, not uniquely, not any obstacles that we don't have as well on the Active side.

Senator GILLIBRAND. A broader question. How do you see our plan for recruiting and retaining enough cyber personnel, particularly ones capable of working in the offensive side? One idea that I had considered thinking through is, we do Reserve Officer Training Corps (ROTC), but imagine doing ROTC specifically for cyber personnel. So you're getting these young men and women coming out of the Massachusetts Institute of Technology and Stanford and Rensselaer Polytechnic Institute who are some of the country's greatest engineers early on, to hone their skills for cyber defense and cyber attack missions within the DOD.

Secretary PANETTA. Senator, let me just say, in talking to Keith Alexander at the National Security Agency, he does not have any shortage of young people that want to be part of that effort. They view it as an opportunity to get involved, be on the cutting edge of the technology with regards to cyber, develop tremendous skills there, and be able to then go out and use those skills in the private sector. So he has a lot of young people, a lot of young very bright people, who are anxious to participate in this effort.

General DEMPSEY. To include coming out of our military academies.

Senator GILLIBRAND. Now turning to the subject of the hearing, Benghazi specifically. I would like to talk a little bit about what you've learned from these events and how you would advise the next Secretary of Defense to better prepare for similar events and how DOD should adapt to the next generation, including obviously the metastazation of al Qaeda and other terrorist groups and cyber attacks, both of which obviously pose very serious threats to the security of our Homeland.

I'm specifically concerned that this was an attack in a country that the United States helped liberate from decades of dictatorship. That day, September 11, 2012, witnessed demonstrations in other countries that were part of the Arab Spring, countries that were supported—that we supported the voice of democracy. But throughout these countries we continue to see jihadists and fundamentalist movements align against us and against our interests, and perhaps funded by some of the Gulf countries.

What leverage should we be using with the Gulf governments to address the support for groups that threaten our security?

Secretary PANETTA. As I've testified here, and I certainly would give this guidance to my successor, in dealing with these threats you have to address each area of concern. First of all, you have to develop better host country capabilities. That's one of the gaps

aptation we thought about making was for a period of time we thought we were going to be entering a hostage rescue because we didn't know where the ambassador was. But once we started forces moving, they didn't slow, they didn't stop.

Senator NELSON. You didn't know the situation with regard to the ambassador until hours later, when, in fact, some Libyans had come into that facility and tried to rescue him and found him at that point unresponsive from smoke inhalation.

Secretary PANETTA. That's right.

Senator NELSON. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Nelson.

We're going to take a 10-minute recess.

[Recess from 1:25 p.m. to 1:36 p.m.]

Chairman LEVIN. We have two Senators, one of whom is here and the other one who is coming, who have not had a first round. Senator Blunt is the first of those two Senators who has not had a first round, so I'm now going to call on Senator Blunt.

Senator BLUNT. Thank you, Mr. Chairman, and thank you for your indulgence. I was at a press conference talking about a mental health bill that I think, General Dempsey, will have some real impact on people who have left the military, and they're looking at the community health centers as a mental health model.

One question I have. I saw, General Dempsey, in your comments over the weekend—I think it was on "State of the Union"—that looking back you don't know of anything you could have done differently. Was that your response?

General DEMPSEY. That was my response, yes, Senator.

Senator BLUNT. How about looking forward? What would you do differently or what are we—let's do that in two questions. One, what would you do differently if the same circumstance occurred again? What are you doing to prepare for a different kind of response?

General DEMPSEY. Two things. One is the ARB, the Pickering-Mullen review board, made 29 recommendations and both the State Department and DOD have accepted and will implement all of those.

Separately, Secretary Clinton and I agreed to a review of embassy security in any number of locations, the result of which will be to focus on 19 of them to try to improve their security situation.

We also, internally to the Joint Staff and with the combatant commanders, worked on a white paper, described as "The New Norm," to account for the lack of host nation capability in some parts of the world. The Secretary already mentioned that some of the results of that include the augmentation of the MSGs, changing the posture level, directing combatant commanders to have additional forces as reaction forces. So we're continuing with——

Senator BLUNT. With "The New Norm," are we repositioned in a way in this dangerous part of the world and many areas you have both mentioned today where we could respond now quicker than 7 hours? If we had the same 7-hour window, could we get somebody there?

General DEMPSEY. Senator, in many places the answer is yes. The limiting factor in Africa are bases, frankly. We don't have a base architecture, with the exception of Djibouti on the east coast,

EXHIBIT 8

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Classification Key

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AFRICOM AND SOCAFRICA AND THE

TERRORIST ATTACKS IN BENGHAZI,

LIBYA ON SEPTEMBER 11, 2012

House of Representatives,

Committee on Armed Services,

Subcommittee on Oversight and Investigations,

Washington, D.C.

Wednesday, June 26, 2013

The subcommittee met, pursuant to call, at 9:00 a.m., in room 2118, Rayburn House Office Building, Hon. Martha Roby [chairman of the subcommittee] presiding.

[redacted]

[redacted]

General?

General Ham. Yes, sir. But I am not privy to those conversations. Mine were with the Chairman of the Joint Chiefs and with the Secretary. And I think we were pretty clear on, you know, pretty shortly thereafter kind of the nature of the attack.

Dr. Wenstrup. Because as a military person, I am concerned that someone in the military would be advising that this was a demonstration. I would hope that our military leadership would be advising this was a terrorist attack.

General Ham. Again, sir, I think, you know, there was some preliminary discussion about, you know, maybe there was a demonstration. But I think at the command, I personally and I think the command very quickly got to the point this was not a demonstration, this was a terrorist attack.

Dr. Wenstrup. And you would have advised as such if asked. Would that be correct?

General Ham. Well, and with General Dempsey and Secretary Panetta, that is the nature of the conversation we had, yes, sir.

Dr. Wenstrup. Thank you very much. I appreciate it. And I yield back.

Mrs. Roby. Dr. Heck.

Dr. Heck. Thank you, Madam Chair. And General Ham, thank you for your long service and for agreeing to appear before us. Even in retirement, it is much appreciated. I agree that I think with one of your opening comments that probably one of the most important things

[redacted]

EXHIBIT 9

This exhibit was not cleared for public release.

EXHIBIT 10

This exhibit was not cleared for public release.

EXHIBIT 11

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THE WHITE HOUSE

WASHINGTON

June 21, 1995

PRESIDENTIAL DECISION DIRECTIVE/NSC-39

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY
ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS
DIRECTOR OF CENTRAL INTELLIGENCE
DIRECTOR, UNITED STATES INFORMATION AGENCY
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY

SUBJECT: U.S. Policy on Counterterrorism (U)

It is the policy of the United States to deter, defeat and respond vigorously to all terrorist attacks on our territory and against our citizens, or facilities, whether they occur domestically, in international waters or airspace or on foreign territory. The United States regards all such terrorism as a potential threat to national security as well as a criminal act and will apply all appropriate means to combat it. In doing so, the U.S. shall pursue vigorously efforts to deter and preempt, apprehend and prosecute, or assist other governments to prosecute, individuals who perpetrate or plan to perpetrate such attacks. (U)

We shall work closely with friendly governments in carrying out our counterterrorism policy and will support Allied and friendly governments in combating terrorist threats against them. (U)

Furthermore, the United States shall seek to identify groups or states that sponsor or support such terrorists, isolate them and extract a heavy price for their actions. (U)

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It is the policy of the United States not to make concessions to terrorists. (U)

To ensure that the United States is prepared to combat domestic and international terrorism in all its forms, I direct the following steps be taken. (U)

1. Reducing our Vulnerabilities

The United States shall reduce its vulnerabilities to terrorism, at home and abroad.

It shall be the responsibility of all Department and Agency heads to ensure that their personnel and facilities, and the people and facilities under their jurisdiction, are fully protected against terrorism. With regard to ensuring security:

-- The Attorney General, as the chief law enforcement officer, shall chair a Cabinet Committee to review the vulnerability to terrorism of government facilities in the United States and critical national infrastructure and make recommendations to me and the appropriate Cabinet member or Agency head;

-- The Director, FBI, as head of the investigative agency for terrorism, shall reduce vulnerabilities by an expanded program of counterterrorism;

-- The Secretary of State shall reduce vulnerabilities affecting the security of all personnel and facilities at non-military U.S. Government installations abroad and affecting the general safety of American citizens abroad;

-- The Secretary of Defense shall reduce vulnerabilities affecting the security of all U.S. military personnel (except those assigned to diplomatic missions) and facilities;

-- The Secretary of Transportation shall reduce vulnerabilities affecting the security of all airports in the U.S. and all aircraft and passengers and all maritime shipping under U.S. flag or registration or operating within the territory of the United States and shall coordinate security measures for rail, highway, mass transit and pipeline facilities;

-- The Secretary of State and the Attorney General, in addition to the latter's overall responsibilities as the chief law enforcement official, shall use all legal means available to exclude from the United States persons who pose a terrorist threat and deport or otherwise remove from the United States any such aliens;

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-- The Secretary of the Treasury shall reduce vulnerabilities by preventing unlawful traffic in firearms and explosives, by protecting the President and other officials against terrorist attack and through enforcement of laws controlling movement of assets, and export from or import into the United States of goods and services, subject to jurisdiction of the Department of the Treasury;

-- The Director, Central Intelligence shall lead the efforts of the Intelligence Community to reduce U.S. vulnerabilities to international terrorism through an aggressive program of foreign intelligence collection, analysis, counterintelligence and covert action in accordance with the National Security Act of 1947 and E.O. 12333. (U)

2. Deterring Terrorism

The United States shall seek to deter terrorism through a clear public position that our policies will not be affected by terrorist acts and that we will act vigorously to deal with terrorists and their sponsors. Our actions will reduce the capabilities and support available to terrorists. (U)

A. Public Diplomacy: Through frequent high level public statements, the U.S. Government shall make clear to all audiences that we will not allow terrorism to succeed in its purposes. Through our law enforcement efforts, we shall make clear that there is no higher priority than the pursuit, arrest and prosecution of terrorists. In our diplomatic activity, we shall persist in raising at high levels issues regarding terrorism. Our military forces shall, with due regard to the need for secrecy, demonstrate that we have robust and effective capabilities to overwhelm terrorists and their state sponsors. ~~(C)~~

B. Reducing Terrorist Capabilities: We shall work at home and abroad, unilaterally and with other governments, to degrade the capabilities of terrorist groups. We will do so with other governments by sharing intelligence information, providing training and assistance to enhance their counterterrorism capabilities, giving diplomatic and public information support and conducting combined operations. We also reserve the option to act unilaterally, when necessary, to preempt, or punish terrorist attacks. ~~(S)~~

Our goals shall include the disruption of terrorist-sponsored activity, including termination of financial support to terrorist groups, the closure of terrorist offices and training facilities and, whenever possible, the arrest and punishment of terrorists for violations of criminal law. ~~(C)~~

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Within the United States, we shall vigorously apply U.S. laws and seek new legislation to prevent terrorist groups from operating in the United States or using it as a base for recruitment, training, fund raising or other related activities. (U)

o Return of Indicted Terrorists to the U.S. for Prosecution: We shall vigorously apply extraterritorial statutes to counter acts of terrorism and apprehend terrorists outside of the United States. When terrorists wanted for violation of U.S. law are at large overseas, their return for prosecution shall be a matter of the highest priority and shall be a continuing central issue in bilateral relations with any state that harbors or assists them. Where we do not have adequate arrangements, the Departments of State and Justice shall work to resolve the problem, where possible and appropriate, through negotiation and conclusion of new extradition treaties. (U)

If we do not receive adequate cooperation from a state that harbors a terrorist whose extradition we are seeking, we shall take appropriate measures to induce cooperation. Return of suspects by force may be effected without the cooperation of the host government, consistent with the procedures outlined in NSD-77, which shall remain in effect. ~~(S)~~

o State Support and Sponsorship: Foreign governments assist terrorists in a variety of ways. (U)

-- First, some support them by yielding to acts of intimidation and extortion. We shall seek through diplomatic means to discourage such behavior and to expose and criticize it publicly when it occurs. ~~(C)~~

-- Second, some states tacitly permit terrorist groups safe haven. In addition to diplomatic dialogue and public exposure, we shall seek to terminate such safe havens through other measures, including reduced cooperation across the broad spectrum of bilateral relations. ~~(C)~~

-- Third, some nations repeatedly provide support to acts of international terrorism by actively assisting or creating terrorist groups or using their own employees to carry out terrorist attacks directly. The U.S. shall seek, through active diplomacy and public exposure, the cessation of such state sponsorship. Under U.S. law, these actions require both termination of bilateral aid and U.S. Government opposition within international financial institutions to multilateral aid. In addition, we shall consider restrictions on commerce beyond those now required by U.S. law. We shall ensure that third country governments are well informed about such state

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sponsorship and shall work to gain their agreement to restrict their own assistance to, and trade relations with, state sponsors. We shall employ other methods, consistent with U.S. law, to disrupt and reduce the capabilities of terrorist groups and their state sponsors. (C)

C. Enhancing Counterterrorism Capabilities: The Secretaries of State, Defense, Treasury, Energy and Transportation, the Attorney General, the Director of Central Intelligence and the Director, FBI shall ensure that their organizations' counterterrorism capabilities within their present areas of responsibility are well managed, funded and exercised. (U)

-- Readiness: Toward that end, they shall submit to me, 180 days from the promulgation of this directive, a Counterterrorism Readiness Report coordinated by the Assistant to the President for National Security Affairs. This report shall include: a) an analysis by the counterterrorism IWG of the adequacy of U.S. government sponsored research in and acquisition of counterterrorism technology, including technology relating to weapons of mass destruction; and b) an analysis of the adequacy of funding for counterterrorism related programs by the Director, OMB, who shall have an ongoing responsibility to ensure that research, development and acquisition of technologies and systems to detect, counter, render safe and dispose of nuclear, chemical and biological weapons and/or materials is adequately funded. (C)

-- Exercises: An interagency exercise committee under the IWG-CT will formalize procedures for review of terrorist threats on an annual basis and formulate an exercise program to meet current and emerging threats. This program shall be forwarded, also on an annual basis, to the Deputies and Principals committees for final review and approval. Principals and Deputies Committee members shall participate in exercises. (S)

3. Responding to Terrorism

We shall have the ability to respond rapidly and decisively to terrorism directed against us wherever it occurs, to protect Americans, arrest or defeat the perpetrators, respond with all appropriate instruments against the sponsoring organizations and governments and provide recovery relief to victims, as permitted by law. (U)

A. Prevention: The U.S. Intelligence Community, consistent with the respective authorities of its members, shall vigorously seek to identify terrorist plans and conspiracies before terrorist acts occur. The U.S. shall endeavor to prevent or pre-empt terrorists acts. Within the United States, the Department of Justice, acting through the FBI, shall direct the efforts of other

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members of the law enforcement community and coordinate with other Federal agencies, to prevent or preempt terrorist acts, and to ensure efficient direction of investigations related to terrorism. Toward this end, law enforcement agencies shall provide, on a timely basis, any information relating to terrorism to the FBI, which shall ensure appropriate action and dissemination of information to other members of the law enforcement community. ~~(C)~~

B. Immediate Incident Response: With respect to terrorist attacks, our goal will be to terminate such events without the terrorists obtaining their desired ends or maintaining their freedom. Consistent with this goal, we shall seek to minimize damage and loss of life and to provide emergency recovery assistance where required. We shall have tailored, robust and rapidly deployable counterterrorism teams capable of incident management, intelligence collection, law enforcement, military operations, technical expertise and disaster relief activities. Within the United States, the Department of Justice, acting through the FBI, shall have lead responsibility for management of terrorist incidents. ~~(S)~~

C. Post-Incident Response: Following an incident that falls within the criminal jurisdiction of the United States, the full capabilities of the United States shall be dedicated, consistent with U.S. law, to assisting the Department of Justice to determine the perpetrators and bring them to justice. For terrorist incidents outside the criminal jurisdiction of the United States, the Department of State will coordinate assistance to the foreign governments involved, in consultation with U.S. law enforcement agencies. ~~(C)~~

In each case, agencies of the law enforcement and intelligence communities, acting within their mandates, shall assign highest priority to monitoring the activities of the terrorists involved who remain at large to determine whether they continue to threaten the interests of the U.S. or friendly nations. To prevent renewed attacks by terrorist groups or state sponsors following an initial incident, I shall be given by the Principals Committee options for economic, diplomatic, covert action and military action. These options shall include unilateral and multilateral measures. There shall be adequate, up-to-date military response plans in place, as well as the capability to conduct offensive operations against members and facilities of terrorist groups and the states that sponsor them. ~~(S)~~

D. Lead Agency Responsibilities: This directive validates and reaffirms existing lead agency responsibilities for all facets of the United States counterterrorism effort. Lead agencies are those that have the most direct role in and responsibility for implementation of U.S. counterterrorism

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policy, as set forth in this Directive. Lead agencies will normally be designated as follows: (U)

The Department of State is the lead agency for international terrorist incidents that take place outside of U.S. territory, other than incidents on U.S. flag vessels in international waters. The State Department shall act through U.S. ambassadors as the on-scene coordinators for the U.S. Government. Once military force has been directed, however, the National Command Authority shall exercise control of the U.S. military force. (U)

The Department of Justice shall remain the lead agency domestically. As the chief law enforcement officer, the Attorney General shall ensure the development and implementation of policies directed at preventing terrorist attacks domestically, and shall undertake the criminal prosecution of those acts of terrorism that violate U.S. law, wherever they occur. (C)

Unless otherwise specified by the Attorney General, the FBI shall have lead responsibility for operational response to terrorist incidents that take place within U.S. territory or that occur in international waters and do not involve the flag vessel of a foreign country. Within this role, the FBI shall function as the on-scene manager for the U.S. Government. (C)

The FBI shall have lead responsibility for investigating terrorist acts planned or carried out by foreign or domestic terrorist groups in the U.S., or which are directed at U.S. citizens or institutions abroad. (S)

E. Coordination: Coordination of sensitive terrorism issues requiring interagency review shall be conducted by a Coordinating Sub-Group (CSG) of the Deputies Committee. The CSG will have membership at the Assistant Secretary level from appropriate agencies and will be complemented by an Interagency Working Group (see Tab A). The CSG will coordinate, on behalf of the Deputies Committee, counterterrorism issues and will review on-going crisis operations/activities concerning foreign terrorism and domestic terrorism with significant foreign involvement. Although the CSG's role of coordination does not include the authority to direct agencies activities, it may make recommendations to the Chairman of the Deputies Committee regarding Foreign Emergency Support Team deployments (see Section F below) and to the Chairman of the Principals Committee regarding overseas deployments of counterterrorism assets. The CSG shall maintain guidelines that specify detailed policy. (S)

F. Interagency Support: To ensure that the full range of necessary expertise and capabilities are available to the

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on-scene coordinator, there shall be a rapidly deployable interagency Emergency Support Team (EST). The State Department shall be responsible for leading and managing the Foreign Emergency Support Team (FEST) in foreign incidents. The FBI shall be responsible for the Domestic Emergency Support Team (DEST) in domestic incidents. The DEST shall consist only of those agencies needed to respond to the specific requirements of the incident. Membership in the two teams shall include modules for specific types of incidents such as nuclear, biological or chemical threats. The Defense Department shall provide timely transportation for ESTs. (U)

G. Transportation - related terrorism: The Federal Aviation Administration has exclusive responsibility in instances of air piracy for the coordination of any law enforcement activity affecting the safety of persons aboard aircraft within the special aircraft jurisdiction of the U.S. as defined in public law. The Department of Justice, acting through the FBI, shall establish and maintain procedures, in coordination with the Departments of State, Defense, and Transportation, to ensure the efficient resolution of terrorist hijackings. These procedures shall be based on the principle of lead agency responsibility for command, control and rules of engagement. (U)

H. Consequence Management: The Director of the Federal Emergency Management Agency shall ensure that the Federal Response Plan is adequate to respond to the consequences of terrorism directed against large populations in the United States, including terrorism involving weapons of mass destruction. FEMA shall ensure that States' response plans are adequate and their capabilities are tested. The State Department shall develop a plan with the Office of Foreign Disaster Assistance and DOD to provide assistance to foreign populations so victimized. (U)

FEMA, with the support of all agencies in the Federal Response Plan, shall act in support of the Lead Agency (the Department of Justice) in Washington, D.C. and on the scene of the crisis, until such time as the Attorney General shall transfer the Lead Agency role to FEMA. For a domestic terrorist incident involving large scale casualties and damage to infrastructure, I may appoint a Personal Representative for consequence management to represent Federal authority on the scene during the recovery phase. The Chief of Staff shall create a roster of senior government officials and former government officials willing to serve in such a capacity. These individuals shall receive the necessary training and information so that they can be called upon to act on short notice. ~~(C)~~

I. Intelligence: The DCI shall maintain a robust capability to collect, analyze and disseminate all-source foreign

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intelligence on terrorist groups and activities abroad. The DCI shall maintain a clandestine service capability for preventing, preempting and disrupting international terrorist activities and shall ensure timely support to U.S. law enforcement agencies in pursuit of international terrorists. In these efforts, the DCI will promote close cooperation with allied and friendly intelligence services. ~~(S)~~

Consistent with existing authorities, the FBI shall collect, analyze and disseminate intelligence on terrorist groups and on activities of international terrorists operating in the United States. ~~(S)~~

The Directors of Central Intelligence and FBI together shall personally ensure that their Agencies achieve maximum cooperation regarding terrorism, as legally permissible. They shall share, where appropriate, terrorism-related intelligence and law enforcement information expeditiously and efficiently. The DCI shall disseminate external terrorist threat warnings for use by U.S. Government officials only. The State Department shall issue warning of overseas terrorist threats for purposes of public information. The Director, FBI shall disseminate internal threat warnings. ~~(S)~~

J. Intelligence Community and Law Enforcement Cooperation: The CIA and FBI shall ensure timely exchanges of terrorist information and close cooperation in exploitation thereof. I have ordered the establishment by FBI of a domestic counterterrorism center (DCTC). CIA and FBI shall conduct a study with the aim of developing procedures to ensure the greatest coordination between the DCTC and the existing DCI Counterterrorist Center. ~~(S)~~

K. Costs: Agencies directed to participate in the resolution of terrorist incidents or conduct of counterterrorist operations shall bear the costs of their participation, unless otherwise directed by me. (U)

4. Weapons of Mass Destruction

The United States shall give the highest priority to developing effective capabilities to detect, prevent, defeat and manage the consequences of nuclear, biological or chemical (NBC) materials or weapons use by terrorists. (U)

The acquisition of weapons of mass destruction by a terrorist group, through theft or manufacture, is unacceptable. There is no higher priority than preventing the acquisition of this capability or removing this capability from terrorist groups potentially opposed to the U.S. (U)

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A. Intelligence: The Intelligence Community shall assign high priority to the collection and analysis of foreign intelligence about terrorist activity in connection with weapons of mass destruction abroad. The FBI shall have lead responsibility for domestic intelligence collection related to materials or weapons of capable of mass destruction. (S)

B. Response: DOD and FBI shall maintain robust plans and capabilities rapidly to remove or destroy weapons of mass destruction in the hands of terrorists, when ordered to do so. Toward that end, DOD, FBI and DOE shall provide high budgetary priority to supporting units specializing in NBC weapons incident response. (S)

The CSG and lead agencies shall ensure that their guidelines address contingencies involving weapons of mass destruction. CSG guidelines, military and law enforcement rules of engagement, and standard operational procedures of concerned Agencies shall be consistent with each other and shall address:

-- authorization procedures for weapon retrieval and in situ disablement;

-- plans for transportation and disposal of weapons of mass destruction that have been rendered safe. (S)

C. Crisis Support: The FEST and DEST shall include rapidly deployable components to assist in nuclear, biological or chemical incidents. In addition, DOE shall be responsible for providing technical expertise and shall be able to deploy the Nuclear Emergency Search Team (NEST). Similarly, the Public Health Service, Environmental Protection Agency, FEMA and DOD shall have an integrated rapid response capability for a chemical or biological terrorist incident. DOD shall ensure that adequate air transportation capability is available on an emergency basis to support the deployment of Domestic and Foreign ESTs, the NEST and an integrated biological/chemical response team. DOD shall provide such other support as may be required by lead agencies during domestic or international counterterrorism contingencies and shall seek the legal authorities and appropriations required for this mission. Furthermore, DOD shall examine: a) the process by which agencies submit requests for DOD support in domestic terrorism related events; and b) the command and control structure that would be applied in domestic military employment (given posse comitatus exemptions). DOD should report the results of this examination to me within 60 days. (C)

D. Consequence Management: FEMA, with appropriate support agencies, shall review the adequacy of the Federal Response Plan

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to respond to an NBC related terrorist incident. The ability to implement these plans shall be reviewed on an urgent basis, and any shortfalls in stockpiles, capabilities or training shall be identified and remedied. This review shall assess the adequacy of: a) stockpiles of antidotes and other special medicines; b) National Disaster Medical System; and c) procedures for direct DOD support, including support for medical facilities and decontamination. A report on the status of these efforts should be submitted to me in 180 days. ~~(C)~~

E. Diplomatic: The State Department shall determine what arrangements or agreements with other governments are required to respond to terrorist contingencies involving weapons of mass destruction, prioritize them and negotiate them on an urgent basis. Negotiations with nuclear weapon possessing states shall be given highest priority. A report on the status of these efforts should be submitted to me in 180 days. ~~(C)~~

5. Implementation

The Cabinet Committee chaired by the Attorney General shall report its initial recommendations on domestic vulnerabilities to terrorism (see section one of this directive) to me no later than 120 days from today. The Readiness Reports (see section 2C) shall be submitted to me through the Assistant to the President for National Security Affairs (APNSA) 180 days from today and annually thereafter. The APNSA is responsible for ongoing review of implementation of this directive and for ensuring the proper functioning of the interagency counterterrorism system. ~~(C)~~

William J. Clinton

Attachment
Tab A Interagency Groups

PHOTOCOPY
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The Deputies Committee-Coordinating Subgroup on Counterterrorism (CSG)

The CSG will coordinate, on behalf of the Deputies Committee, Counterterrorism issues and will review on-going crisis operations/activities concerning foreign terrorism and domestic terrorism with significant foreign involvement. As the interagency coordination committee for these matters, the CSG will ensure the implementation of this directive. State, Defense, Justice, CIA and FBI will designate members at the Assistant Secretary level. The Office of the Vice President will also be represented. The Department of the Treasury, to include OFAC, Secret Service, ATF and Customs, will be present at meetings of the CSG where their specific expertise or jurisdiction is involved. Because of the sensitive nature of these issues, meetings will normally be held on an Agency principal-plus-one basis. The NSC staff will chair the group. (C)

Additional agencies or entities participating when their expertise or jurisdiction is involved will include:

The Department of Transportation (FAA, USCG)

The Department of Energy (Defense Programs/Military Applications)

The Department of Health and Human Services (HHS)

The Federal Emergency Management Agency

Office of Management and Budget

Interagency Working Group on Enduring Constitutional Government

When any member agency of the group requests the chair to convoke an emergency meeting, the CSG shall meet (in person or via teleconference) as soon as possible and in not less than two hours. For this purpose, the command/operations center of each agency shall at all times be aware of the identity and location of its on-call CSG representative in the Washington metropolitan area and be able to contact that representative immediately. ~~(C)~~

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PER E.O. 12958,
AS AMENDED
2002-1613-m
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Interagency Working Group on Counterterrorism

The IWG-C/T will provide interagency coordination of diplomatic activity, regular bilateral diplomatic consultations, public and legislative affairs and other on-going activities in support of counter-terrorism policy. In addition, it shall constitute interagency sub-groups, as necessary, on such issues as interagency exercises, counterterrorism research, the rewards programs for information leading to arrests and convictions of wanted terrorists and the FEST.

The IWG-C/T shall be chaired by the Department of State and shall include members from OSD, JCS, DOJ, FBI, Department of the Treasury, USIA, CIA, OMB, FEMA, DOE, Department of Transportation and HHS.

The chairs of the CSG and IWG shall ensure proper coordination between the two committees. ~~(C)~~

Interagency Intelligence Committee on Terrorism (IICT)

The IICT will serve as the forum for interagency coordination and cooperation on requirements, the exchange of intelligence, warnings, research and development and the production of Community coordinated assessments. It will provide impartial review, comment and advocacy regarding programs that impact on the national Intelligence Community's Counterterrorism mission.

The IICT will be chaired by a Community officer appointed by the DCI and shall include members from the intelligence, law enforcement, regulatory and military communities with a counter/anti-terrorism mission. The State Department will be included as appropriate. ~~(C)~~

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THE PRESIDENT HAS SEEN SECRET 6/22

6.21.95

Discussed. OK to go forward. TL

THE WHITE HOUSE

WASHINGTON

June 21, 1995

Briefing Xie to Security Meeting - Am not sure on pt of dispute

MR. PRESIDENT:

The attached is a proposed PDD on U.S. counterterrorism policy.

It covers five main topics: (i) reducing U.S. vulnerability to terrorism at home and abroad; (ii) deterring terrorism; (iii) responding to terrorism, with specific agency responsibilities assigned for preventing, handling and managing the consequences of attacks; (iv) weapons of mass destruction; (v) deadlines for the AG's report on vulnerability and readiness reports from FEMA and DOD.

NSC resolved one significant interagency dispute in the preparation of the PDD. Treasury wanted a seat on the Coordinating Sub-Group (CSG), which coordinates our counterterrorism policy. FBI resisted, for reasons Tony spells out, and Treasury was left off the CSG, though the PDD makes clear that Treasury (including the Office of Foreign Asset Control, Secret Service, ATF and Customs) will be included where its expertise or jurisdiction is involved.

Treasury is not happy about being left off the CSG, but has agreed to support the PDD in light of the language spelling out when it will be invited to CSG meetings. All other relevant agencies have cleared the PDD. Leon concurs.

If you approve, please sign the PDD.

Todd Stern

DECLASSIFIED PER E.O. 12958, AS AMENDED 2007-1613-r PS 9/19/08

Presidential Decision Directive on U.S. Counterterrorism Policy

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THE WHITE HOUSE

WASHINGTON

THE PRESIDENT HAS SEEN
6-21-95

ACTION

June 12, 1995

95 JUN 12 P12:19

MEMORANDUM FOR THE PRESIDENT

SIGNED

FROM: ANTHONY LAKE

SUBJECT: Presidential Decision Directive on U.S. Counterterrorism Policy

DECLASSIFIED PER E.O. 12958, AS AMENDED
2004-1613-M
9/14/08

Purpose

To sign the attached Presidential Decision Directive on U.S. counterterrorism policy.

Background

The Counterterrorism PDD (Tab I) characterizes terrorism as both a criminal act and a potential national security threat, which we will fight on our own and with friendly countries. It addresses itself to domestic and international terrorism and states that we will not make concessions to terrorists.

The PDD text is made up of five sections:

- Reducing Vulnerabilities. This section states, in general terms, what agency heads must do to reduce our vulnerability to attack.

- Deterring Terrorism. This section calls for strong public statements of our policy toward terrorism, aggressive measures to disrupt terrorist activities, the return of indicted terrorists from other countries to the U.S., pressure on states that sponsor or acquiesce in terrorism, and enhancement of our counterterrorism capabilities.

- Responding to Terrorism. This section assigns specific responsibilities to agencies for preventing attacks, handling them when they occur, and managing their consequences once they are over. It spells out FBI's lead responsibility for handling domestic incidents and State's role in handling overseas contingencies. CIA and FBI will continue to share responsibility for intelligence collection. FEMA is given overall responsibility for dealing with large-scale damage resulting from an attack. Defense is assigned supporting roles at home and abroad and is required to assume the cost of its support, since neither FBI nor FEMA have the resources to reimburse DOD.

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cc: Vice President
Chief of Staff

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- Weapons of Mass Destruction (WMD). This part instructs agencies to intensify intelligence collection on potential terrorist users of WMD, negotiate agreements with other countries on handling incidents, refine our response capabilities, rules of engagement, and procedures for retrieving, disabling, transporting and disposing of WMD.

- Implementation. The last section sets deadlines for the Attorney General's report on the vulnerability of U.S. facilities to attack and the FEMA and DOD readiness reports. It also stipulates that the National Security Advisor is responsible for the proper functioning of the counterterrorist system.

Interagency Disputes

In drafting this PDD, the NSC had to reconcile a conflict between Treasury and the FBI over Treasury's role in the NSC chaired group that coordinates U.S. counterterrorism policy; the so-called "Coordinating Sub-Group," or "CSG." Treasury pressed hard for a permanent seat on the CSG. FBI resisted strongly, however, in part because Louis Freeh believes Treasury's presence would create confusion over responsibility for managing domestic terrorist incidents, and in part because the CSG coordinates sensitive operational matters that are beyond Treasury's purview. The attached PDD does not give Treasury the membership in the CSG it was seeking. The PDD does, nonetheless, provide strong assurances to Treasury that it will be present at CSG meetings whenever its expertise or jurisdiction are implicated.

A separate problem regarding the CSG was raised by the FBI, which argued that under certain remote conditions the Bureau's freedom of action would be unduly constrained by the CSG's coordinating role and its involvement in handling of domestic terrorist incidents originating overseas. They would have removed all reference to a CSG coordinating function in all domestic incidents. The FBI conceded, however, that the CSG operates effectively now and enhances FBI's ability to do its job by ensuring the full support of State, Defense, and CIA. Examples in the domestic arena are the World Trade Center bombing and Oklahoma City in its early stages. Since the text now makes clear that the CSG does not make decisions, direct agencies to take action, or get involved in criminal investigations or prosecutions, FBI has withdrawn its objection. The attached PDD, therefore, confirms the CSG's role in coordinating the U.S. response to domestic incidents with significant foreign involvement.

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RECOMMENDATION

That you sign the attached Decision Directive on U.S. Counterterrorism Policy.

Attachment
Tab I. Decision Directive on U.S. Counterterrorism Policy

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EXHIBIT 12

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Office of the Coordinator for Counterterrorism

About Us

Programs and Initiatives

Foreign Emergency Support Team (FEST)

Foreign Emergency Support Team (FEST)

The Foreign Emergency Support Team is the United States Government's only interagency, on-call, short-notice team poised to respond to terrorist incidents worldwide. Led and trained by the Operations Directorate of the Office of the Coordinator for Counterterrorism, it assists U.S. missions and host governments in responding quickly and effectively to terrorist attacks. The FEST, which has deployed to over 20 countries since its inception in 1986, leaves for an incident site within four hours of notification, providing the fastest assistance possible.

The FEST provides round-the-clock advice and assistance to Ambassadors and foreign governments facing crisis. The Team is comprised of seasoned experts from the Department of State, FBI, Department of Defense, Department of Energy, and the Intelligence Community. Once on the scene, FEST members help Ambassadors assess the emergency, advise on how best to respond, and assist in managing consequent operations. FEST provides:

- Seasoned crisis management expertise
- Time-sensitive information and intelligence
- Planning for contingency operations
- Hostage negotiating expertise
- Reach-back to Washington agencies

FEST Assists in the Aftermath of East Africa Bombings
Two Foreign Emergency Support Teams were deployed to Kenya and Tanzania immediately following the August 1998 al-Qaeda terrorist bombings of US Embassies in Nairobi and Dar es Salaam. The FESTs helped assess both emergencies and aided US Ambassadors as they managed the aftermath of the attacks, which killed some 300 (including 12 Americans) and injured more than 5000.

FEST Responds to USS Cole Bombing
A Foreign Emergency Support Team was deployed to Aden, Yemen following a terrorist attack against the USS Cole, which killed 17 American sailors in October 2000. The FEST advised the US ambassador and helped her direct America's response to the attack. FEST's secure mobile communications capability was especially valuable, since the Port of Aden is some 200 miles from the American Embassy in Sanaa.

Smaller, "tailored" FESTs have responded to abductions of Americans in Ecuador and the Philippines. "Contingency" FESTs were deployed to ensure safety at the Olympic Games in Athens, Greece (Summer 2004) and Turin, Italy (Winter 2006), and in Lagos, Nigeria during a hostage-taking crisis.

In addition to the above activities, the FEST routinely provides veteran diplomatic and interagency experts to national counterterrorism exercises, such as TOPOFF.

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INTERVIEW OF BENJAMIN ISAAC FISHMAN

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, JANUARY 12, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*
DANA CHIPMAN, *Chief Counsel*
SHARON JACKSON, *Deputy Chief Counsel*
SHERIA CLARKE, *Counsel*
KIM BETZ, *Member Outreach Liaison and Counsel*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
DANIEL REBNORD, *Minority Professional Staff*

FOR BENJAMIN ISAAC FISHMAN

NICHOLAS MCQUAID
JIM WALSH
ALBERT SANDERS
White House Counsel's Office

Ms. Jackson. Good morning, all. This is a transcribed interview of Benjamin Fishman conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on the U.S. diplomatic facilities in Benghazi, Libya, and matters related to that, pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Mr. Fishman, could you give us your full name for the record, please?

Mr. Fishman. Benjamin Isaac Fishman.

Ms. Jackson. Okay. Mr. Fishman, on behalf of the committee, thank you for your appearance today. We appreciate your coming in voluntarily today.

Again, my name is Sharon Jackson and I am with the committee's majority staff. So that we have a record of these proceedings, I'm going to have everyone in the room go around and introduce themselves, and we'll start with the counsel that's accompanying you today.

Mr. McQuaid. Nicholas McQuaid, White House Counsel's Office.

Mr. Sanders. Albert Sanders, White House Counsel's Office.

Mr. Walsh. James Walsh, White House Counsel's Office.

Ms. Betz. Kim Betz with the majority.

Ms. Jackson. Sheria?

Ms. Clarke. Sheria Clarke, majority.

Mr. Kiko. Phil Kiko with the committee.

Ms. Sachsman Grooms. Susanne Sachsman Grooms. I'm with the

minority staff.

Ms. Sawyer. Heather Sawyer with the minority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Mr. Rebnord. Dan Rebnord with the minority staff.

Chairman Gowdy. Trey Gowdy, South Carolina.

Ms. Jackson. Mr. Fishman, before we begin this morning, I'd like to go over the procedures and the rules that we use in conducting interviews. Generally the way the questioning has proceeded is that a member of the majority staff will ask questions for a period of time, usually up to an hour, and then the minority will have the opportunity to ask questions for an equal period of time.

For your interview, we've agreed that each side will be restricted to 90 minutes of questioning. So what we envision happening is that I will ask questions for an hour, then the minority will ask questions for an hour, I'll come back and do 30 minutes and then the minority will do 30 minutes, but if we find that shorter periods of time are needed, we're happy to do that also.

Questions may only be asked by a member of the committee or a designated staff member. And unlike testimony in Federal court, or a deposition, the committee format is not bound by the rules of evidence. The witness or their counsel may raise objections for privilege, which is subject to the review by the chairman of the committee. If those objections cannot be resolved in the interview, the witness can be required to return for a deposition or a hearing. Members and staff of the committee, however, are not permitted to raise

objections when the other side is asking questions. This is generally not an issue we've encountered in the past, but I just wanted you to understand that that's the process that we follow in our interviews.

This session is in an unclassified setting. If any question calls for a classified answer, please just let us know, and we will either omit that question or reserve its answer until we move into a classified setting. But let me ask you this: do you have a current security clearance?

Mr. Fishman. I believe the White House put in for a temporary clearance for -- to review my previous role, but not for subsequent materials.

Ms. Jackson. Okay.

Mr. Fishman. And that was granted.

Ms. Jackson. Okay. And do you know what level that was to, secret or top secret?

Mr. Fishman. Well, I had TS/SCI, so I presume that was what the materials were.

Mr. McQuaid. That's accurate. We haven't taken the steps to pass that up for today, but could do so if that were required.

Ms. Jackson. Okay. That's good to know.

Mr. Fishman, you are welcome to confer with the counsel that are here with you today at any time throughout the interview, but if something just needs to be clarified, we ask that you ask us to rephrase or repeat a question before doing so.

Again, we just want to make sure that you understand the questions

that are being asked of you before you give us an answer. However, if anything needs to be discussed with your counsel that are here with you today, we will go off the record and stop the clock to provide you with this opportunity to do so.

As I said before, we started, we will take a break whenever it's convenient for you. This can be after an hour of questioning or sooner than that if you would like. Please just let us know if you need anything during the course of this interview, a glass of water, a cup of coffee, tea, use of the facilities, an opportunity to confer with your counsel. If you need any of that, we'll stop the clock, go off the record and allow you to do that.

As you see, we have an official reporter taking down everything that is said today so that we have a written record of these proceedings, so we ask that you give verbal responses to all questions, yes and no, as opposed to nods and shakes of the head. Also ask that we try and not talk over each other. Everybody has a tendency to do that, but I'm also going to give the reporter permission to feel free to jump in in case we're interrupting each other or she doesn't get a verbal answer to a question.

Do you have any questions about that?

Mr. Fishman. No.

Ms. Jackson. Okay. We want you to answer our questions in the most complete and truthful manner possible, so we'll take our time and repeat or clarify our questions if necessary. If you have any questions, as I've said before, do not understand any of our questions,

please let us know, and we'll be happy to rephrase or clarify them for you.

If you honestly don't know the answer to a question or do not remember, it's best not to guess, but we do ask that you give us your best recollection if there are things that you can't remember. And we also ask that if you don't know the answer to a question, if you could inform us as to who might have that information and provide an answer to that particular question.

Mr. Fishman, do you understand that you are required to answer questions from Congress truthfully?

Mr. Fishman. Yes.

Ms. Jackson. And do you understand that this applies to questions posed by congressional staff in an interview?

Mr. Fishman. Yes.

Ms. Jackson. Do you understand that witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or making false statements?

Mr. Fishman. Yes.

Ms. Jackson. Okay. Is there any reason that you would be unable to provide truthful answers to today's questions?

Mr. Fishman. No.

Ms. Jackson. Okay. I believe that your counsel had something that he would like to put on the record this morning.

Mr. McQuaid. So I just ask that Mr. Fishman be able to put on the record his medical condition, because it's impacted the timing of

the hearing -- timing of our -- time restrictions, and also I think it's relevant to the proceeding, so --

Mr. Fishman. So almost 2 years ago I was diagnosed with an aggressive form of brain cancer. So through surgery and subsequent treatment, a common side effect is aphasia, which often means it may be taking a long time for me to recall names or specific words, so my answers may reflect that in the speed in which I deliver it, but otherwise, I'm here and ready to participate.

Ms. Jackson. Okay. Well, Mr. Fishman, you have the sympathy of the entire committee for what you're going through, and so we doubly appreciate the fact that you are here today and voluntarily answering our questions, so thank you very much.

That is the end of my preamble. I'm going to ask if the minority has anything that they would like to add at this time?

Ms. Sachsman Grooms. Yeah. I just wanted to thank you for coming in, and just reiterate if you need a break, if you need a minute or whatever, just ask for it, and I'm sure that Sharon is ready to accommodate, and certainly we are as well.

Ms. Jackson. Okay. All right. With that, we will begin the first hour of questioning. And I note that it is 10:03.

EXAMINATION

BY MS. JACKSON:

Q Mr. Fishman, it is my understanding that you worked for the National Security Council or with the National Security Staff from approximately July 2009 through September 2013. Is that accurate?

A Yes.

Q Okay. And what types of matters did you work on for the National -- was it known as the National Security Staff or the National Security Council?

A I believe the National Security Staff. At the time, Susan Rice came in and changed the terminology to the National Security Council right about the time that I was leaving.

Q Are those two terms used interchangeably within government circles?

A Yes, more or less.

Q And, again, what were your duties and responsibilities at the National Security Staff?

A So I had a few different positions. I initially was working with Dennis Ross, Ambassador Dennis Ross, who for the period of his tenure was overseeing a range of Middle East issues, and I was serving in a senior advisor type of role, executive assistant formally.

When the Arab Spring came about, obviously there were a lot more matters to deal with, so in February 2011, I began working on helping with the directors to deal with those issues, and as of April 2011, they assigned me temporarily the Libya portfolio. And I held that position through around 2012, where my responsibilities expanded to covering the rest of North Africa and Jordan.

Q So from the period of time from the spring of 2011 through some time in 2012, you were focused principally on Libya?

A Correct.

Q Okay. And when in 2012 did your portfolio expand to include more of North Africa?

A I don't remember precisely, but --

Q Was it before or after the attacks in Benghazi?

A I don't remember precisely, but certainly Libya was my principal focus.

Q Were you detailed or on loan to the National Security Staff from any other Federal agency?

A I was a direct hire from the NSC staff.

Q Had you been at the State Department prior to going to the NSC?

A Yes.

Q Okay. And how long were you at the State Department?

A From March to July, August 2009.

Q Okay. So once you went to the National Security Staff, you were paid by the White House and a White House employee and not on loan from the State Department?

A That is my understanding. I don't know how they managed it in the first couple months, but certainly thereafter.

Q Mr. Fishman, could you tell us a little bit about when you were working on Libya issues, who you worked with at the National Security Staff, who you reported to, and who you interacted with in the interagency?

A I would segment those issues between the period of our intervention and -- which ended in October 2011, and where there were

active military engagements going on, and the period post conflict, October 2011 through the end of my tenure.

Through the period of the intervention, I was working with the entire interagency and my colleagues at the NSC staff on such issues as economic issues with -- and UN issues related to the sanctions, diplomatic issues with the State Department on supporting the National Transitional Council, as it was known at the time. Military issues with the Pentagon and NATO and also the diplomatic issues surrounding the NATO coalition.

So a whole wide range of issues, that also continued in the post-conflict period, where we were actively trying to assist the Libyan interim authorities to build up their state and stabilize everything from their economy to their security forces and their oil wealth.

Q Who within the National Security Staff did you report to in this first phase of, say, February of 2011 through October of 2011? Who was the person you directly reported to?

A I think the senior director for the Middle East transitioned during that time from Dan Shapiro to Steve Simon, so I was reporting, technically reporting to both of them.

Q Okay. Was there someone else that you had greater interaction with on the National Security Staff than them? I noticed that you said "technically" reported to them.

A No. For different aspects of the intervention, I was working with different elements of the national security bureaucracy.

That means for our European engagements, we were working closely with the European director. For all issues related to chemical weapons, I worked closely with the chemical weapons, or the WMD, director. For the post-conflict planning, I worked with Derek Chollett, who was working on any planning on post-conflict management. For the sanctions issues, Mike Froman.

So it was a whole range of people who were involved, and it was a truly whole of government type of effort.

Q For the post-military intervention or post regime, Qadhafi regime, did those persons or players change, so after October of 2011?

A Not really, because all the issues were pretty much the same. So we interacted with the Europeans all the time, for example. The chemical weapons issue was still alive, less on the economic front but still on the oil sector, so that involved the energy people on the -- under the economic team, and, again, the strategic planning office on long-term issues.

Q Who were the people at the State Department that you primarily or principally interacted with on Libya matters in 2011?

A My primary contacts were the Maghreb Affairs Office. I worked most intensively with Alyce Abdalla, who was the chief desk officer. She came in in the middle, I don't remember what month particularly, but maybe in the summer of 2011. And the deputy office director was Evyenia Sidereas, and Bill Roebuck was the office director. And I interacted with them almost interchangeably, and less so with the functional bureaus at the State Department, but if you count

U.S., U.N., the United Nations office at State, I interacted with people there, and the PM office, for example, Political-Military Affairs had sort of an issue that they were following and -- but primarily the Maghreb Affairs Office.

Q Did you interact with Jeffrey Feltman or Elizabeth Dibble or Janet Sanderson or Ray Maxwell, and if so, on what issues and to what extent?

A Mostly by email with them. Liz Dibble was the key participant on our interagency efforts. I think Janet Sammerson -- is that her name?

Q Sanderson --

A Sanderson.

Q Sanderson, I believe.

A Sorry. I forgot her last name. She's since retired, I think. Liz was the primary representative for the State Department during that period, I believe, on the interagency. I would see Jeff Feltman occasionally, and he was very good about forwarding read-outs of meetings to a wide circle. And I traveled with Jeff Feltman in September of 2011.

Q How do issues get raised within the National Security Council? Is it sort of up from the agencies or down from -- or the White House identifies issues and matters and sends it out to the interagency, or is it a mix of both?

A I would say a mix of both.

Q How did the Libya issue come to the National Security

Council?

A During what timeframe?

Q In the spring of 2011.

A I'm not sure what you're -- I mean, like, the --

Q Was Libya something that was an issue that was brought by the State Department, or was it something that the National Security Council said, this is an issue, therefore, let's bring in our interagency to discuss it?

A I think it was obvious that it was a significant development in the region. And in the context of the Arab Spring, everybody was looking at the aftereffects of Tunisia and Egypt, so it was raised in that context, not in any particular agency-White House sequence.

Q Okay. Mr. Fishman, from the documents that have been provided to us, we have seen many policy papers discussing whether and how to topple the Qadhafi regime, but from what we've reviewed, that is where the discussions ended in 2011 or at least up until the summer of 2011. We have not seen policy papers and discussions regarding the United States' plan for assistance to the Libyans once the Qadhafi regime was gone, and we've also read public accounts that the President acknowledged that his administration failed to plan for the day after the Qadhafi regime fell, and how a new government would be instituted.

Do you agree with that assessment as to what was happening in the February to June, July 2011 timeframe?

A That's a long assessment, so is there more of a narrow focus?

Q Let me break it down for you, because it was a very long

question.

We have seen many policy papers discussing whether the United States should intervene to force Qadhafi out, but we don't see corresponding papers that talk about what it's going to take to transition the Libyans into a new form of government after Qadhafi is gone. In the February to April, May, June timeframe, is that your assessment of what the policy papers were at the time?

A So I can't speak to the February to April timeframe, because I just assumed that responsibility in April, and our focus at that point was implementing the mission that the President laid out in, I believe, early March, I can't remember the actual date, based on his speech at NDU where he outlined our three basic premises about the intervention, where we had to have local regional support, no boots on the ground, and -- no U.S. boots on the ground, and we would contribute our unique capabilities to a NATO coalition-led effort. So our focus at that time -- or we were just ramping up to basically implement that force -- or that, sorry, that mission with all its complexities that I alluded to earlier.

During that April to June timeframe when I was privy to -- or I was working full-time on those issues, I recall some initial discussions about the post-conflict issues that would transpire, but that planning, I can't remember the precise time when that planning began to intensify, but it was certainly during the summer of 2011.

Q So the planning began and, in your words, intensified in the summer of 2011? Is that correct?

A Yes, but, again, I can't speak to the period from February to 2011 -- or February 2011 to April and the decisionmaking -- I don't know the extent to which the post-conflict planning factored into the decisionmaking process, such as Secretary Gates has made his opinions known about.

Q Well, let me ask this: when you assumed responsibility for Libya matters in April of 2011, did you inherit documents, or papers, or background information from within the National Security Staff or the interagency to give you a sense or give you a foundation for what had been discussed and decided up and to that point?

A Well, decided in terms of what precisely?

Q Any planning that had been done for a post-Qadhafi Libya.

A I recall -- like, military planning or --

Q Planning to transition the Libyan Government into a legitimate democracy.

A I'm not sure I agree with that. Well, let me rephrase that. I don't recall any specific planning documents, but I wouldn't necessarily have gotten read-outs of high level decisionmaking discussions that transpired earlier, and we were working at a fast tempo to try to get the actual intervention off the ground and our allies on board, because, you know, we were in the process of trying to genuinely protect civilians, which was the basis of the UN Security Council resolution.

Q You wrote an article for "Foreign Affairs Magazine" that I believe came out in April of 2015, so a little less than a year ago,

and you wrote that article with Derek Chollett. Is that correct?

A Derek Chollett.

Q Chollett?

A Uh-huh.

Q Chollett. Thank you. And in that article, you write that a major problem that the United States faced in its intervention in Libya was a lack of people on the ground who could evaluate the situation, work with the Libyans, coordinate with the allies, and report back to Washington. Is that your opinion?

A I haven't looked at the wording of the article in some time, but more or less the problem that we were identifying was that in the period of our intervention and subsequently -- well, let me break it down between our intervention and then subsequently.

During the intervention, obviously we had no people in Tripoli and a very limited presence in Benghazi, so we definitely lacked the visibility.

Q And, Mr. Fishman, can I stop you to just clarify that we're still talking about the period of April of 2011 through October of 2011, when you say the period of intervention?

A Yes.

Q Okay. Thank you. Please continue.

A So during that period, we had a very limited presence in Benghazi, as you know, and they were privy to just a limited part of the country, and even that was imperfect. And then prior -- or subsequent to basically December, January of -- December 2011 to

January -- and January 2012, when we were reestablishing our embassy, the embassy itself had a very -- in Tripoli, sorry, to just clarify -- in Tripoli, the embassy itself was very limited in its numbers and presence and vehicles to get to meetings and host meetings and interact with Libyans, international community, et cetera.

And that, I think, applies to many U.S. Missions abroad, was a significant challenge for us and just getting a clear sense of what was -- the clearest possible sense of what was transpiring on the ground.

Q So I guess that raises the question of why didn't we put more people in Libya either in Benghazi or in Tripoli to do the assessment, gather the information, interact with the Libyans, and report back.

Mr. McQuaid. Can we go off the record for just one second?

Ms. Jackson. Sure.

[Discussion off the record.]

BY MS. JACKSON:

Q Mr. Fishman, let me rephrase the question. Were there discussions within the National Security Staff or the interagency about augmenting U.S. Government personnel in Libya, either Benghazi or Tripoli, in the period of time between April of 2011 and January of 2012 to increase the ability to work with the Libyans and assess the situation?

A Yes.

Q Okay. And tell us about those conversations.

A Sorry. Can you remind me the timeframe you're looking at?

Q Let's divide it into your two timeframes. First if you could talk about the April to fall of 2011 and then fall of 2011 forward, intervention --

A Right.

Q -- phase and post-intervention phase.

A Yeah. As you know, the Benghazi Mission was established, I think, in March or April. It was staffed with the special envoy, ambassador -- subsequently Ambassador Stevens, and eventually one junior officer and some Diplomatic Security that I can't remember the numbers. I think there was not a significant discussion about increasing that number basically because of the security situation in Benghazi at that time, and those decisions were primarily left to the State Department, as is routinely held.

Starting in 2012, there were some decisions by the State Department -- or discussions about -- within the interagency about reestablishing the Embassy in Tripoli and how it should be staffed. Even within the State Department, there were conflicting views about who should get priority of access, because they had a limited number of beds available. It was a temporary facility, because, as you recall, the Embassy was destroyed during the war, and so there were -- I don't even think the Ambassador went initially, maybe the deputy chief of mission went along with one, maybe, political economic officer and several building management people to -- whose priority was to reconstruct the facility and anything associated with Diplomatic

Security, et cetera, and maybe one or two individuals from USAID.

So even within the State Department, there were discussions about who and how many and all that stuff. Where the interagency subsequently got involved was naturally when -- in questions of timing, pace, and who else should be there, basically.

Q Was there a push from the National Security Staff to increase the number of technical experts that needed to go into Libya to help it transition to a government?

A It was a difficult -- difficult type -- or I should say sensitive instead of difficult, type of conversation, because we weren't on the ground and we deferred, naturally, to the people who were and the Diplomatic Security elements, who ultimately, with the Ambassador, had the right to -- literally had the right, as I understand it, to approve every visit and also permanent member of the staff. So we -- it was a process of -- it was an ongoing conversation, basically.

Q Okay. I know we've hit a half an hour. Are you comfortable in continuing for another period of time or would you like to take a break?

A Yeah.

Q Okay.

A Let's go.

Q Did the objectives or goals change between the intervention period and the post-intervention period, the objections of -- the objectives or goals of having a U.S. Government presence in Libya?

A Yeah, naturally, because during the intervention, we were

trying, as mandated by the Security Council, to protect the civilian population of the Libyan people, and once their regime was collapsed, we were trying to, as we saw it, help the Libyans stabilize their country and support the interim authorities to do that.

Q And in particular with respect to Benghazi, in the intervention phase, we only had personnel in Benghazi, but in the post-intervention phase, we've re-opened Embassy Tripoli. What were then the objectives and goals of why we kept personnel in Benghazi?

A Principally because we saw it as an important part of the country and we wanted to both make them feel recognized, because they started the revolution, but also to ensure we had a diplomatic presence in that part of the region.

Q I want to take a step back to April of 2011 when Chris Stevens goes in as the Envoy, to that particular timeframe, and let me just ask sort of a couple of foundational questions. Was Chris Stevens appointed by the President or the Secretary of State, if you know?

A That's something I'm not aware of.

Q Okay. Do you know, is there a distinction between being a Special Envoy and a Special Representative?

A Again, that's something out of my lane.

Q Okay. Would you know --

A I know --

Q -- who would know that --

A I know that, for example, General Allen recently on the

counter ISIL, he had as his title Special Presidential Envoy, which means he's a Presidential appointment. I think you'd have to ask the State Department.

Q Okay. From the documents that we've reviewed, when Chris Stevens was getting ready to go into Benghazi for the first time in late March, early April 2011, there was an initial plan to have the military go in with him, and then that plan was scuttled. Can you tell us about how that decision was made to not send the military in with Chris Stevens?

A Again, I think that was prior to my arrival -- or starting on that assignment, so I think the State Department would know best.

Q Did you learn subsequently that that was an issue?

A All I know was his story about going on the -- in on the Greek vessel, so I don't know.

Q Okay. We also know that military assets went in when the Embassy in Tripoli reopened in September of 2011, a site security team accompanied the Diplomatic Security agents and assisted in the reopening of Embassy Tripoli.

During your tenure in 2011 and 2012, your tenure of working on Libya issues, was there any discussion of having similar military security in Benghazi?

A During what period?

Q At any time there was a mission in Benghazi. So from the time Envoy Stevens went in in April of 2011 until the time of the attack in September of 2012, during that time period, was there ever a

discussion that you were aware of, or participated in, regarding having military security in Benghazi?

A I don't recall.

Q Is that you don't recall at all or you recall that there was no such discussion?

A Both.

Q Both. Okay. Is encouraging or ordering military security for embassy personnel something that the National Security Staff would be engaged in or could be engaged in?

A I mean, you're speaking very generally, so I'm not -- my scope of working on the NSC staff doesn't expand beyond my individual portfolio in the Middle Eastern, North Africa directorate. If there was a CT issue, that was a whole different directorate, so they may have been involved in such a discussion, but, again, just for Libya, I'm not -- I don't --

Q Well --

A I'm not basically -- I think that's a question for somebody else.

Q I guess what I'm trying to do is get a sense of the role of the National Security Staff in coordinating the interagency. So if you get information from the State Department that security is not sufficient to do the things that you want to do, does the National Security Staff have a role in saying, let's augment that security, let's look at our military resources that we can bring to bear or add, and let's get these people talking to augment our security so we can

accomplish our mission?

A I think --

Q First, is that the role of the National Security Staff?

A Well, what I was going to say is the Diplomatic Security has the principal role at the State Department for coordinating or assessing security information and security postures at our diplomatic facilities all over the world, including in very dangerous places like Iraq and Afghanistan or Africa or whatever.

I don't know their experience with coordinating with the military for requesting any augmentation. I do know that the Marines are deployed to embassy facilities, not to provide embassy security principally; they're there to protect classified information, and discussions are routinely held between State Department and the Marine Corps or DOD, whatever the line is. So I would say typically the NSC does not get involved in that process.

Subsequently to the attacks against Benghazi and also Tunisia and Cairo, the NSC launched an entirely new process for embassy security. I think that's been reported and repositioned some military assets to perform those duties. Because I don't know the extent that those are classified, unclassified, I'll just leave it at that.

Q But you said that they changed the process in the wake of Benghazi and Tunisia and Cairo. How did that process change?

A That they held regular meetings to assess security situations and DOD deployed certain assets that were -- well, it took a long time for them to train Marines to perform -- or to train to

perform certain tasks that they didn't have that capability before then, so that was a result of an interagency discussion.

Q Now, understanding that you came to work on Libya matters exclusively in April of 2011 and you were not exclusively working on Libya matters in March when the decision was made to suspend operations at Embassy Tripoli, did you subsequently learn, though, who made the decision to suspend operations at Embassy Tripoli? Was that a White House directive or was that a State Department decision?

A I don't know specifically if it was the President or the Secretary.

Q Okay. What about the decision to send in Chris Stevens as the Special Envoy or Special Representative? Was that something that the White House directed or was it something that the State Department recommended?

A Chris Stevens as an individual or having a special envoy?

Q Let's take each part of that. First having a special envoy.

A I'm almost certain that the decision to send Chris was made at the State Department, but I don't know specifically the process that was made to have an envoy. So that could have been a result of a discussion I wasn't privy to.

Q Do you know why Chris Stevens was picked as opposed to Ambassador Cretz or Joan Polaschik, who was the deputy chief of mission, or somebody who had been evacuated from Tripoli?

A I don't know specifically. I know that Ambassador Cretz had previously received specific threats from the regime and was more

or less PNG from Tripoli, so he was probably an unlikely figure because of the security risks against him. And Chris had served previously in Tripoli, twice, I believe, maybe just once, but he was a qualified candidate. But, again, I'm not familiar with the State Department internal deliberations, and certainly not at that time.

Q Okay. Was Chris Stevens, when he went in as envoy in early April 2011, aside from our military, the only U.S. Government presence in Benghazi?

A Well, I think he went in with a -- I can't remember whether he went in with a junior officer at the time or the junior officer came later.

Q Was there any agency personnel in Benghazi or in eastern Libya in April of 2011 before Stevens went in?

A I know the fact of the mission is unclassified now, but I don't know the extent of the historical presence, so I'm not comfortable answering that question.

Q Okay.

I would note for the record that we have been joined by Congressman Schiff in the interview, so I just wanted you to know who has joined us and that the record would reflect that Congressman Schiff has joined us.

The documents that we've reviewed and our interviews have revealed that when Chris Stevens first went in to Benghazi in early April 2011, that his mission was to be for up to 30 days, and we also know he ended up staying until November of 2011 and then there were

a series of principal officers after him. And so my question is, what was his objective in the first 30 days, and then what changed that required a presence after that 30 days?

A I think the objective was always the same, to represent us in Benghazi, to engage with the NTC, the National Transitional Council. And the situation in Benghazi was -- at the time in April 2011, was constantly changing, and the -- I don't know. The 30-day timeline may have been a bureaucratic thing that needed to be written. It's best for me to not guess about why the State Department assigned that timeline, but I know we collectively found his presence and materials very useful, and as a result, his mission was extended.

Q So if I understand your answer correct, and please elaborate if I don't, you were unaware that he was to go in for a period of 30 days initially?

A That didn't strike me as unusual. I don't recall any time limit that I -- in other words, it didn't strike me as an important detail. We were constantly evaluating the situation. He could have pulled out at any time short of 30 days or extended it beyond 30 days. So I don't know why the State Department set that day, and you'd have to ask them.

Q Okay. Were there any discussions about Envoy Stevens having to leave Benghazi for security reasons in that period of the intervention?

A I can't recall, other than that initial period when Benghazi was still under physical threat.

Q Were you aware that in the first 5 days after Chris Stevens arrived in Benghazi that there was a discussion about he would have to leave because the regime troops were advancing on Benghazi?

A I've learned that subsequently, but at the time, I'm not sure I was in the -- again, in the seat, so I wasn't necessarily following it as closely.

[10:54 a.m.]

BY MS. JACKSON:

Q On June 1st, 2011, there was a threat credible enough to move Stevens and his expedition out of the Tibesti Hotel and they colocated with the agency for a period of time until they moved into the first of the villas.

Was there any discussion about pulling his mission out of Benghazi all together due to that threat?

A I can't recall.

Q Okay. In the summer of 2011, when Stevens' mission and expedition moved into the villas, and then shortly thereafter, in July of 2011, our government formally recognized that NTC as the legitimate interim government of Libya, was there any discussion about formally recognizing Stevens' mission to the NTC?

A First of all, since I worked on this very closely, we recognized them as the legitimate representative of the Libyan people. So that was a technical term that was -- earned a lot -- it's a legalistic term so that I was quite involved in -- and thus, I remember it very closely because we were in the process of that debate, it took several months.

Q Well, can I just stop --

A I can --

Q Okay.

A -- get to your question.

Q Okay.

A And that had certain diplomatic implications with the NTC because of visa implications, specifically, and I believe travel issues and financial issues because we couldn't transfer funds to the Libyan Government because the Central Bank and I think other institutions, financial institutions, were frozen under the UN Security Council resolutions.

So by recognizing the NTC, as subsequently other countries did -- or previously and subsequently other countries did, we were able to engage in the process where we were ultimately able to create a temporary funding mechanism where we could release some assets to their -- not to them directly but to help defray their cost of running Benghazi.

Q I want to go back and ask some questions about that. You said that there was a -- in July of 2011, we recognized the NTC, and I need you to give me the words again, as the legitimate representative of the Libyan people?

A Yes.

Q And that's as opposed to the Libyan Government?

A Right.

Q What were the -- I guess I just want you to take us through that discussion that was had as to what were the options for recognition at that time and what each recognition allowed or didn't allow to be

done?

A So my legal colleagues may be more qualified to --

Q We're just asking for your understanding.

A -- answer your question better, but -- other lawyers in the room, but -- and I'm not one, but --

Q And we're thankful that -- or you should be thankful that you're not.

A As my understanding and my recollection, I try not to recollect these issues because they were painful at the time. It involves -- it's the same figure as a -- the same analogy with recognizing or not recognizing the Syrian opposition. They had to demonstrate some control of significant territory, and that was the principal one, and had to have support of their people, an argument to -- a significant part of the population.

And so the recognition argument came -- so it's different for different countries. International law is not, as I understand it, not clear in these circumstances, so France and Qatar, for example -- or the UAE, I can't remember, recognized them, the NTC very quickly, in the period of intervention, maybe even as early as April. We took a little more time because our lawyers were more hesitant until they -- part of the argument is the Libyan opposition needed to control more territory, so sorry I can't remember the earlier part of your question.

Q What were the consequences or what would happen with a recognition of the NTC as the representative of the Libyan people versus

being the legitimate Government of Libya? Were there consequences to that decision as to which one you were going to recognize the NTC as being?

A Oh, the options.

Q Yeah, the options.

A So we could not recognize them, and that would -- that was the option decided for up to 3 months. It was legitimately debated in high-level discussions and in preparation for meeting Libyan authorities or preparation for the international meetings with the Libyan coalition, basically was called the contact group or the Friends of Libya meetings, and that was basically the longer the -- basically I spelled them out earlier in terms of the political and economic advantages of being recognized as an international player.

Q In July of 2011, we did not formally recognize our diplomatic presence in Benghazi to the NTC. Is there a reason we did not do that?

A I don't know, and I think the State Department has rules about how these things are handled, so I'm not familiar with those.

Q Was that part of this legalistic discussion that was ongoing as to whether we could do a formal recognition of our diplomatic personnel to a government of the people as opposed to the country's government?

A Not that I recall.

Ms. Jackson. Okay. In my remaining few minutes, Mr. Chairman, do you have any questions that you would like to ask --

Chairman Gowdy. No, ma'am.

Ms. Jackson. -- the witness?

Chairman Gowdy. No, ma'am.

Ms. Jackson. Thank you.

BY MS. JACKSON:

Q Once we recognize the NTC as the legitimate representative of the Libyan people, was there any, to your knowledge, formal diplomatic notice of Chris Stevens' presence to them?

A I don't know.

Q I mean, I know they know he was there but was there any --

A Right, I don't know.

Q -- formal. Okay. Is there any discussion about the privileges and immunities that would be bestowed upon him if his presence was formally noticed?

A I don't know.

Q Okay. With that, I see I only have a minute left, so I'm going to go off the record. Let's take a break, and we'll allow our minority colleagues to ask questions for the next period of time?

A Okay.

Ms. Jackson. Thank you. Go off.

[Recess.]

Mr. Kenny. We'll go back on the record. The time is 11:23, by my reading.

EXAMINATION

BY MR. KENNY:

Q Mr. Fishman, again, thank you for being here today. On behalf of the Select Committee minority, I want to welcome you, and reintroduce myself. My name is Peter Kenny, joined here by my colleagues, Susanne Sachsman Grooms, Dan Rebnord. I appreciate your patience here with us today and your willingness to come and answer the committee's questions.

Just at the outset here, I'll note we may return to some of the discussions we were having in the last hour. I'll do my best to help refresh your recollection about some of those discussions. If at any point, when I'm moving from topic to topic I lose you, please let me know and happy to take a step back and make sure that we're both on the same page. Does that sound good?

A Sure.

Q Okay. So at the beginning of the last hour we had a discussion about your role as the director for North Africa, the director for Libya on the National Security staff, and you explained some of your responsibilities, which was helpful for us in understanding what, at the staff level, you did, you performed on that National Security staff.

I would like to ask some more targeted questions, if I could, about your roles and responsibilities.

First is, was it your job to determine security requirements for diplomatic facilities overseas?

A No.

Q Was it your job to provide security resources for diplomatic

facilities overseas?

A No.

Q Okay. Did you have an understanding of where that responsibility did lie within the interagency?

A Yes.

Q Okay. And what was your understanding of that?

A The Diplomatic Security Agency within the Department of State.

Q Okay. And I know that there's a lengthy time period, so I'll do my best to refer you to specific time periods, but I'd like to step back and just ask during the entire time that you served with Libya in your portfolio, April 2011 through September 2012, did anyone ever request your help in providing Diplomatic Security resources specifically to Benghazi?

A You said September 2012?

Q Correct.

A Sorry. I'm confusing the dates. Could you just repeat it.

Q Sure.

A Because I served through September 2013.

Q So let's focus pre-attack. So from April of 2011 through the day of the attacks, before you received notice of the attacks, had anyone ever requested your help in providing Diplomatic Security resources to the Special Mission in Benghazi?

A No.

Q Okay. More specifically, did anyone ever tell you they

weren't getting the Diplomatic Security agents that they needed from Diplomatic Security headquarters and ask you to step in and talk to senior management at Main State?

A No.

Q If someone had raised a request about needing more Diplomatic Security resources, what would you have done?

A I think it would have depended on who was asking and how they were asking.

Q Great.

A But I would probably have passed along the message to my more senior officials within either the State Department or the NSS.

Q Okay. We had an extended discussion in the last hour about the early 2011 timeframe, some of which predates the time that Libya was in your portfolio, so I wanted to focus on that timeframe around when the U.S. made a decision to intervene in Libya, and if you could describe for us whether there was a concern, whether you had a concern of the risk that Qadhafi posed to the Libyan people?

A Certainly when he was threatening the Libyan people and people of Benghazi with extreme brutal and graphic language, I think not only I, but everybody was concerned about that, implications of that.

Q And when you say "everybody," would you include other participants in the interagency, for instance?

A Yes.

Q Would you include other countries --

A Yes.

Q -- having concerns?

A Definitely.

Q Would that include some of our Arab partners in the region?

A Definitely.

Q And they all had concerns about the risk that Qadhafi posed to his people?

A Yes. Some of our closest partners in Europe as well.

Q We've heard the situation in Libya at that time described as a potential human catastrophe. Did you share that concern?

A Yes.

Q Okay. Can you explain why?

A Because of those threats that I referenced before and the extent -- Qadhafi's track record of brutalizing his own people and penchant for terrorism both at home and abroad.

Q There was a reference in the last hour to an article you may have co-authored in Foreign Affairs in May, June, 2012. Do you recall that?

A The article.

Q Do you recall our discussion about the article?

A Yes.

Q Okay.

A That's not the date of the article.

Q I'm sorry?

A That's not the date of the article.

Q Oh, okay. We have the article, but it's a fairly lengthy article, and I recognize you were asked some questions about some characterizations in there. That document wasn't put in front of you.

One thing I wanted to ask you about is an allegation that appears in that article. I believe it's articulated by Al Kuperman that relates to preintervention intelligence, and there's an allegation that the U.S. either fabricated or intentionally misrepresented the intelligence to make the case for the intervention in Libya.

And I'd just like to ask you, again, acknowledging that you may have some limits on your visibility at that particular time period, whether based on the information that you had at the time, whether the use of military force was necessary to protect Libyan civilians. I can --

A Yeah, sorry. It's -- do you refer --

Q I'll re-ask the question.

A I believe military force was necessary. I think that's how you phrased the question.

Q Yes. That's correct. Thank you. And to your knowledge, did anyone at the NSC fabricate or deliberately misrepresent intelligence to support the case for military involvement in Libya?

A No.

Q To your knowledge, did anyone at the State Department fabricate or deliberately misrepresent intelligence to support the case for military involvement in Libya?

A No.

Q There seemed to be some insinuation in the last hour that the decision for the U.S. to intervene in Libya was somehow a predetermined outcome. Can you respond to that allegation?

A I definitely wouldn't agree with that characterization of predetermined. It was a deliberative process, and again, it was, as senior U.S. officials had publicly stated at the time, it was a very tough decision for the President to make.

Q And we understand that as well, but was your sense that it was a decision that evolved over time that policymakers were grappling with limited information and time constraints?

A It was definitely a situation where we had limited information and time constraints, and -- I'm not sure -- I would say it evolved over time, but we had limited information to go on and had to make those decisions under very limited time constraints because Qadhafi posed an imminent threat to citizens of Benghazi and, you know, even waiting 24 hours could have cost tens of thousands of lives.

Q Okay. Thank you. I'd like to jump forward a little bit in our time period. We're talking just now about the March, April 2011 time period, the U.S. Government decision to intervene in Libya. We'd also talked in the last hour about the decision to reopen the Embassy in Tripoli in the fall of 2011.

I would like to ask if you recall during that time period, so fall of 2011, do you recall whether then Special Envoy Stevens had any particular views about continuing the U.S. presence in Benghazi?

A He was in favor.

Q Okay. Do you recall if Ambassador Cretz had any particular views about continuing the U.S. presence in Benghazi?

A I don't recall specifically.

Q Did you have a sense of whether the opinions, the recommendations, the thoughts of then Special Envoy Stevens, whether those carried any particular weight back to Washington, D.C. We can start at the National Security Council?

A I think he, being on the ground, gave him the closest look to what was going on, and he was reporting directly through the State Department, and he was our, not only representative in chief but basically analyst in chief, and as a professional diplomat, we respected his views significantly.

Q We understand that in the fall of 2011 and continuing through 2012, then Special Envoy and soon Ambassador Stevens had supported continuing the U.S. Government's presence in Benghazi, the Special Mission Compound. We've also heard that the recommendation to continue to maintain a presence on a more permanent basis there, meaning at the level of the Ambassador and those on the ground in Libya, was developed at the ground level, so to speak, rather than being a top down policy process driven by Washington. Was that your understanding as well?

A In the sense that it came from the State Department and was handled within the State Department, yes. I'm not familiar with their internal processes about characterizing certain diplomatic missions and classifying them and timetables of some of the -- for example, but

if that's what you mean by bottom up, I agree.

Q Okay. And I guess the flip side of that question would be, was the decision for the State Department to remain in Benghazi, was that one that was made by the White House and dictated to Ambassador Stevens?

A No.

Q You had touched just a moment ago on the discussion of the legal status of the Special Mission, and you were asked a series of questions about that in the last round. The implication to us seems to be that there is a relationship between the legal status of the Special Mission and whether the Libyans had some ability or willingness to provide security to the Benghazi Special Mission.

I'd like to ask, were you aware of whether Embassy Tripoli had been notified to the Libyan authorities as a diplomatic post?

A Again, that is not my area of specialization, granting agrement, stuff like that, so I'm not -- I should answer more than I don't know the --

Q Okay.

A -- procedures involved.

Q Maybe a different way of asking would be to ask you did the legal status of the diplomatic facility in Benghazi, in your view, have anything to do with the level of support that the interim government provided in terms of security resources to the State Department?

A Not that I'm aware.

Q Again, moving forward in the time sequence here. I would

like to first start by noting that the last hour we spent a fair amount of time discussing the 2011 time period. I would like to move in -- specifically to the summer, late spring, early summer 2012.

There were a series of security incidents targeting Western interests at that time, including the June 6th attack on the Special Mission Compound and the June 11 attack on the British Ambassador in Benghazi. Were you aware of those security incidents at the time?

A Yes.

Q Okay. Did you generally stay informed about security developments in eastern Libya?

A Yes.

Q And again, to tie back a little bit to your discussion about your responsibilities, did you have a direct role with respect to responding to any security incidents? For instance, was it your role to reassess security posture at post following any of those incidents?

A No. That was done by the RSO at the embassy, the regional security officer.

Q We understand that when security incidents would happen, there would be a meeting at post that would pull together various stakeholders, including the regional security officer, and there would be discussion about the incident and about any possible changes to security posture at post and whether any other recommendations might be made that would affect security at post. We understand that those meetings were referred to as Emergency Action Committee meetings. Is that a term you're familiar with, EACs?

A Yes.

Q Did you participate in any EACs that Embassy Tripoli with the Benghazi Special Mission held based on security incidents based on the spring and summer of 2012?

A No.

Q Did you in any way direct the recommendations coming out of those EACs?

A No.

Q Did you place any limitations of any kind on the recommendations of those EACs?

A No.

Q Did you learn about any of the recommendations that came out of EACs that were held in response to those security incidents?

A They were published as normal cables, so I had access to them.

Q Do you recall if any EAC in that timeframe had made a recommendation to leave Benghazi?

A I don't think so.

Q Okay. And if there had been such a recommendation, would you have deferred to the EAC?

A Such a decision would have been not only a decision for an EAC, but as far as I know, handled at a higher level within the State Department.

Q Okay. We understand that during the summer of 2012 there was a national election for a body called the General National Congress.

Was the passing of that election viewed generally as a favorable development for the security situation in Libya?

A Yes, because the elections in Libya were -- hadn't taken place in 40 years, and you know, 40 years ago it was a semi-monarchy and a much smaller population, and we spent a considerable amount of time supporting the UN effort to manage the elections, and across-the-board election monitors regard those elections as professionally done and full of basically enthusiasm, and they had an extremely high turnout.

Q And although there were some reported security incidents at the time of the election, did the elections largely occur without any significant security incidents?

A Yes. They occurred without.

Q I understand.

A Sorry. Let me clarify that for the record.

Q Please.

A They occurred without any significant security situations.

Q Sorry. I apologize for doing this to you, but there is one question I would like to ask back in the 2011 time period, so I would like to return to that just briefly for a second to clarify one response that you'd given in the last round. I had written in my notes when you were asked if you were aware of any post-conflict transition planning documents, that you wrote that you weren't aware of any specific documents, and I just wanted to clarify with you that your testimony here today is not that there wasn't any planning under way,

but you just didn't recall any particular documents with respect to post-conflict transition planning?

A Correct.

Q And I believe you had indicated also that there was a head or person who was responsible for post-conflict planning. Is that your understanding?

A Correct.

Q And was your sense then that that person or persons or office was responsible for post-conflict planning?

A We had an interagency process under way that included certainly the Defense Department, State Department, and probably Treasury Department, U.S., U.N., and -- but timeline, and I believe suggest -- or -- I can't remember the precise timeline, but he instructed us to begin that pretty early on in the intervention.

Q So it was your understanding that a plan in process was under way during this time period?

A Correct.

Ms. Sachsman Grooms. And that that planning process started in 2011?

Mr. Fishman. Correct.

Ms. Sachsman Grooms. And that the interagency was actively involved in doing post-conflict planning for Libya?

Mr. Fishman. Correct.

BY MR. KENNY:

Q So I would like to shift gears a little bit and just ask

for your patience as we move into this next section of questions. At the outset, I'll just note that this is the eighth congressional investigation into the Benghazi attacks, and we want to make sure that it's the last, so we're therefore asking questions of every witness about a series of public allegations that have been made since the attacks.

It's our understanding that even where some of these questions may have been answered by other investigations, our colleagues in the majority continue to pursue them, and that's why we continue to ask about them.

While anyone can speculate about the Benghazi attacks, and plenty of people have, only a limited universe of people have the actual knowledge or evidence of what happened before, during, and after the attacks. So what I'll be asking for is not your opinion but whether you have any firsthand knowledge or information.

If you don't, simply move on to the next allegation, and there's, as I mentioned, a lot of them, so please bear with me.

The first allegation is: It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that, quote, "Secretary Clinton told Leon to stand down," close quote, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No.

Q Move to the next allegation.

It's been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it Four Pinocchio's, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on the day-to-day security resources in Benghazi?

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in the spring of 2011?

A No.

Q Next. It has been alleged that the U.S. Mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "the CIA was not collecting and shipping arms from Libya to Syria," close quote, and that they found, quote, "no support for this allegation," close quote.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

Q Next. A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of, and appropriateness of, that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand down order to CIA personnel?

A No.

Q Putting aside whether you might personally agree with that decision or think it was right, do you have any evidence that there was a bad or improper reason behind the temporary delay of CIA security personnel who departed the Annex to assist the Special Mission Compound?

A Can you just repeat that?

Q Sure.

A I just want to make sure I --

Q No, absolutely.

A It's in the negative, right?

Q Do you have any evidence that there was a bad or improper reason behind the temporary delay of CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q Next. A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No.

Q I ask these questions also for documents provided to Congress. Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

A No.

Q It has been alleged that CIA Deputy Director Mike Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," close quote.

Do you have any evidence the CIA Deputy Director, Mike Morell, gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States was, quote, "virtually AWOL as Commander in Chief," close quote, on the night of the attacks, and that he was, quote, "missing in action," close quote.

Do you have any evidence to support the allegation that the President was virtually AWOL as commander in chief or missing in action on the night of the attacks?

A No.

Q It has been alleged that a team of four military personnel in Embassy Tripoli on the night of the attacks were considering flying on the second plane to Benghazi, were ordered by superiors to, quote, "stand down," close quote, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to, quote, "remain in place," close quote, in Tripoli to provide security and medical assistance at that location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "there was no stand down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," close quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No. Sorry. Can you repeat it again?

Q Of course. Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was, quote, "no stand down ordered issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," close quote?

A No.

Q And this is the last one. It has been alleged that the military failed to deploy assets on the night of the attacks that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "given where the troops were, how quickly the thing all happened, and how quickly it dissipated we probably couldn't have done more than we did," close quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A No.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy?

A No.

Mr. Kenny. And with that, I'll conclude our round. We'll go off the record. Thank you.

[Recess.]

Ms. Jackson. Okay. Just before we start, we are going to take

our half hour, and then the minority may have just a few followup questions, and hopefully, I will not need more than 30 minutes, but with that, we'll go back on the record.

BY MS. JACKSON:

Q Mr. Fishman, we talked at the end of my first hour about notification of diplomats and diplomatic facilities in Libya to the transitional government, and you said that this was a topic that was hotly discussed, within the interagency. Is that correct?

A No, I think we didn't have that -- you were talking about -- we were talking about staffing of the embassy.

Q We were also talking about whether we asked for formal recognition of our personnel in our facilities in Benghazi in July of 2011 when we recognized the NTC as you said then, the legitimate rulers of the Libyan people, or the legitimate representative of the Libyan people?

A So I would disagree with the characterization of hotly contested or discussed or whatever you said, but I don't actually recall the discussion of insisting on recognition from the Libyan authorities at the time. That was, I think, handled at the State Department level.

Q Well, then please tell me, we talked in my first hour about an issue that you were very much involved in involving a lot of lawyers and legalese. What was that issue?

A That was how we could recognize the Libyan authorities as the legitimate representative of the Libyan people, which would -- in essence, derecognize the Qadhafi regime as the Government of Libya.

Q But did you draw a distinction between recognizing them as the representative of the Libyan people and recognizing them as the legitimate Libyan Government?

A I believe so, because they didn't have a government at the time.

Q Okay. And this recognition that occurred in July of 2011 was the basis that was used to unfreeze assets and take other steps that you would take with a different government?

A Well, it led to this complicated process that allowed us to unfreeze some assets because the Central Bank and other financial institutions were still -- still had their assets frozen, but I can't -- what was the second part of your question?

BY MS. BETZ:

Q Well, I mean, I think, just taking a step back, that trying to understand, as you talked about the legal discussion surrounding the terminology used with respect to identifying -- or how you were going to identify this emerging new government?

A Right.

Q Which was not yet a government?

A Right.

Q Correct?

A Correct.

Q Correct. And so the question then becomes what then is the relationship to the mission with respect to that emerging government? Were you a part of any discussions with regard to notifying this

emerging government with respect to the mission that was present?

A Not that I recall.

Q Was there ever any discussion when Embassy Tripoli reopened about notifying, at that point in time, the government that was in place, the presence of the Benghazi Mission?

A That was handled by the State Department, so I'm not sure.

BY MS. JACKSON:

Q Was there a notification to this emerging government that we were reopening Tripoli?

A I'm sure there was, but I don't know the timing of that.

Q Okay. But it's your recollection that even though we notified this emerging government of reopening our Embassy in Tripoli, that there was not a corresponding notification of our presence in Benghazi?

A You'd have to ask the State Department those questions.

Q So there was no discussion within the interagency of that decision and its ramifications within your office or interagency groups that you participated in?

A So any formal demarches, as they're called, to the embassy of its status or the status of the mission were handled by the State Department. I'm not -- the timing of which, for example, the level which that happened, whether it's under the management assistant -- or under secretary or just within the NEA bureau, I just -- you should ask them.

Q Okay. I guess what we're trying to understand is was there

a discussion at levels higher than the State Department, your interagency group about whether legally you could notify this emerging government of an embassy, do they have the authority to accept that notification?

A I don't recall.

Q Okay. You talked about an interagency discussion about this. Who all was involved in that?

A What do you mean by "this"?

Q You described previously a discussion that there was a decision to make to represent -- to recognize the NTC as the representative of the Libyan people.

A Right.

Q Is that correct? Who was involved in that decision?

A Oh, okay. The lawyers from both the State Department and the White House, the NSC lawyers.

Q Okay.

A And policy professionals and the bureau, presumably, in NEA and the MENA office, and it rose to the level of the deputies and the principles on the recognition aspect.

Q All right. And are there documents memorializing the decisions that the deputies committee made?

A I'd ask Nick about the process of the NSC.

Mr. McQuaid. You can answer by kind of generally how the process -- can we go off the record, please? Go off the record for 1 minute.

Ms. Jackson. Yes.

[Discussion off the record.]

[12:13 p.m.]

Ms. Jackson. Let's go back on the record.

Mr. Fishman. So typically any deputies committee meeting, or principals committee meeting, would both have an agenda item that would list this question about recognition of the NTC or on recognition, and that would be memorialized in a summary of conclusions, document written up after the meeting. So if there are any such documents for any particular meetings, that would be it.

BY MS. JACKSON:

Q Now, I believe you said that you believed that when the Embassy in Tripoli reopened, that it was notified to this emerging government?

A As part of standard diplomatic practice, I would imagine so, but, again, I don't have any specific knowledge of that fact.

Q Do you know whether Benghazi as a facility with diplomats there was also recognized at that time?

A I don't have specific knowledge of that.

Q When it was decided in December of 2011 to extend Benghazi through the end of 2012, do you know whether any formal notification occurred?

A Again, that would be a State Department question.

Q And then one final question in this area. When the

elections occurred in July of 2012 and there's this new General National Council now, do you know whether notifications were made to that entity?

A I presume not, because there was no government yet. They were still trying to form the government. That election was for a legislative body, which determines -- that was slated to vote on a government, the formation of a government, more in the parliamentary system.

Q When my minority colleagues were asking you questions in the last session, you had said that the White House did not drive the decision to remain in Benghazi. Do you recall that question to you?

A Yes.

Q Okay. But would it be fair to say that the White House was interested in a continued presence in Benghazi?

A I personally supported that decision. I can't recall if -- that process was handled by the State Department and approved by the State Department, and I don't know if any -- well, I'll just leave it at that.

Q Do you recall in or about February of 2012 that Deputy Chief of Mission Joan Polaschik was back in the States and she had meetings with you and others on the National Security Staff about the transition in Libya?

A I don't remember the exact timing, but she probably was. And I can't remember if she had come from Libya or was going out.

Q Okay. Well, we've reviewed several documents that talk

about her meetings with the National Security Staff and providing technical experts in Libya and her concerns that they did not have sufficient security personnel in place to support those technical experts coming into Libya. Do you recall conversations with her regarding that topic?

A I recall conversations, whether it was in person or over email or even by phone, but I can't recall one specific meeting.

Q Was the --

A Or -- sorry. Most frequently, we would communicate through the Maghreb Affairs Office at the State Department. So her direct lines through the NSC may or -- you know, I'm not quite certain how they worked.

Q And I believe you stated earlier that one of your contacts within the NEA bureau at State was Alyce Abdalla?

A Correct.

Q And did you have conversations with her either over the phone, in person, or by email about the inability to get people into Libya because we did not have sufficient security personnel on ground in there?

A Well, it was a larger issue, not just security personnel. It was a question about the array of people who were there and whether -- the decision to have, for example, a management officer who was responsible for, you know, anything that goes into budgets or issuing payments to local staff, was more important than a technical expert. We all knew and accepted the fact that security was a top

priority, but the debate was more along the lines of who would get that limited space.

And not having served overseas in an embassy, I am not an expert on what is required for building up an embassy physically and producing the food at the embassy, for example, or the, you know, facilities. Because they were building it from ground up, I think they were using actually a previous compound that we controlled, the ambassador's residence or something like that.

But anyway, everybody accepted the principle of, you know, security and wanting the maximum security we can -- and by security, that also included vehicles, armored vehicles, and it didn't just entail personnel. So we definitely had those types of conversations and they were ongoing.

Q So in boiling that down, what I heard you say is that there was a resource issue in Libya to bring in the technical experts, both in facilities, security equipment, and security personnel?

A There were resource constraints in terms of how the -- let me try to put it this way. At the same time the technical people had to be there to build up the embassy compound, we were trying to interact with a new government, and the pie was limited, so we were trying to do both at the same time and trying to use the best resources we could find and reasonably balance the situation.

Q And was this true with respect to both Benghazi and Tripoli?

A More in Tripoli.

Q You traveled to Libya in late July 2012. Is that correct?

A Yeah. I can't remember if it was late July or early August.

Q Okay.

A In that timeframe.

Q But in that timeframe. During your visit there, did you discuss with Ambassador Stevens his need for additional security personnel in Libya, both in Tripoli and/or in Benghazi?

A Not that I recall.

Q Do you recall any conversations with Ambassador Stevens regarding the fact that he was going to lose the SST, the military SST, right about that same time?

A I recall it was an issue, but I can't remember the exact timing and -- that it was taking place.

Q And do you recall whether or not you offered to intervene with the military?

A If it was an issue we discussed, I was generally amenable to helping him in whatever respect I could, but I don't recall it specifically.

Q So if we have documents to that effect, those documents would be true and accurate, if you made that offer?

A Presumably.

Q All right. Mr. Fishman, let me move ahead to the night of the attack. Were you part of a SVTC at 7:30 on the night of the attack?

A Yes.

Q Did you attend?

A Yes.

Q You attended that SVTC? Okay. And during that SVTC, was the nature of the attack discussed, I mean, how the attack occurred?

A I believe so, with the available information we had at that time.

Q And was that information that it was a complex unannounced attack on the compound?

A Certainly that it was unannounced. And I don't know how to characterize complex or not. The only information that we had was that the compound was overrun, but at the time, I believe we had very limited information about the nature of the attack.

Q Okay. Do you recall whether it was discussed in that first SVTC whether Ansar al-Sharia had claimed responsibility for the attack?

A To the best of my recollection, I don't know if we had any claims at that point.

Q Okay. In the one or two days after the attack, did you ever have a conversation with David McFarland regarding the attack?

A I don't believe, or I can't remember.

Q Did you talk with anyone who had been in Tripoli or Benghazi in the first couple of days after the attack?

A By email, phone?

Q Any method of communication.

A I believe probably I emailed Greg Hicks, who was the deputy chief of mission at the time.

Q And did you discuss the nature of the attack?

A No. I was more offering him anything we could provide and

expressing my sympathies for his situation and the death of the Ambassador, obviously. And basically offering support in any way I could provide it.

Q Going back to that first SVTC on the night of September 11th, during that SVTC, was the issue of deployment of military assets or State Department assets such as the FEST discussed?

A Yeah. I believe so.

Q Okay. Do you recall what was decided or agreed to with respect to deployment of the FEST and/or deployment of military assets?

A I can't recall any specific agreements other than there were continuing to -- DOD was continuing to review available options.

Q On the night of September 11th, did you have any type of communication either by phone or email with President Magarief's daughter?

A Yes.

Q Okay. And what type of communication? Was that by phone or by email or both?

A Email.

Q Email? And did you ask that she communicate to her father that they provide any available resources to the U.S. Government?

A I can't recall the nature of the email.

Q Did you have any conversation with her about having military assets deployed to Libya?

A Again, I can't recall.

Q Okay. Did you have conversations with anyone else in the

Libyan Government that evening?

A She was the daughter of the president. She's not a member of the -- or wasn't a member of the Libyan Government. So I can't recall anybody else.

Q Did you have conversations with any other Libyans that evening, people who were in Libya?

A One or two may have emailed me, and probably I responded, but I can't recall.

Q And what were the nature of those communications? Was it providing information regarding the attack, the attackers? Was it --

A Probably both. Sorry. Probably providing information, and I would pass that on to the State Department as a rule.

Q And how would you pass that? Would you send that by email?

A Yeah.

Q Okay. And who would you have passed that to?

A My colleagues at the Maghreb Affairs Office.

Q Would that be like Alyce Abdalla, Evyenia Sidereas and other people --

A Yes.

Q -- in that office?

A Typically.

Q In the 72 hours or so, 72 to 96 hours after the attack, did you play any role in what has become known as the talking points that were developed between the CIA and the White House and other agencies?

A The only reference I heard to them were at that initial SVTC,

and then the one that you referred to before, but I don't remember subsequently being involved.

Q You never reviewed any draft of the talking points or saw them as they circulated with other members of the White House staff?

A No, not that I recall.

Q Okay. And what did you hear in that SVTC, that first SVTC?

A I think there was some brief conversation between Ben Rhodes and Denis McDonough and Michael Morell.

Q And I'm sorry. Who was the third name?

A Michael Morell --

Q Oh.

A -- at the CIA, about the need to start working on some kind of public statement or explanation, but then they agreed to take that offline.

Q And you weren't part of any of those offline conversations or communications?

A No.

Q Okay. Do you know an individual by the name of Ethan Chorin, C-h-o-r-i-n?

A I've met him maybe once or twice.

Q Have you had any communication with him after the day of the attack, after September 11th, 2012?

A I can't remember when I met him exactly. Literally -- I mean, I vaguely remember meeting him once or twice, but I can't remember the timeline.

Q During that time that you did meet with him, did you discuss Ambassador Stevens?

A I can't remember what we discussed, really.

Q I just want to circle back for a minute. You talked about a post-conflict resolution interagency group that Mr. Donelin directed be established to work on the Libyan transition. Is that correct?

A Yes.

Q Okay. So there was an interagency group that dealt with how the Libyan Government was going to transition, or how the Libyan people were going to transition? It was not merely a state-driven enterprise. Is that correct?

A Well, there were different -- as is normally the case, the State Department has various departments and bureaus. So example, what was called CSO at the time, conflict and --

Q Stabilization?

A Yes, correct. Thank you. And then they're called something else now, had its own team of -- but they're not terribly well integrated with the rest of the State Department for reasons that I can't explain.

So they had been doing their own stuff because they were also working with the U.N., which is also working on its own stabilization effort.

Our stabilization effort was -- or I mean, our planning presumptions were always that it would be an international effort and we'd feed into the U.N. process, because the U.N. had mandated it in

the fall -- well, it was based on the -- you know, the President's initial guidelines and also the U.N. mandate to continue it as an international process.

So I think the State Department had their own discussions, but we also augmented that in an interagency process obviously involving experts from DOD, who are and were involved in those discussions, also our diplomats in NATO, for example.

Q Did Derek Chollett chair this interagency group?

A Either he chaired it or co-chaired it with Liz Dibble at State. I can't remember precisely how we were organizing it.

BY MS. BETZ:

Q What types of issues would the interagency group, A, discuss, and then what decisions did they make, and what recommendations did they make to whom? Would that be the deputies, then?

A So it was sort of IC level, which is sort of sub-deputies. We looked at the economic revitalization issues, initially humanitarian issues, so USAID was part of that process as well, and then security stabilization efforts and whether or not it was viable to have a NATO-led sort of stabilization force.

Ms. Jackson. All right, Mr. Fishman. That's all the questions we have for you.

Did the minority have any quick follow-up questions?

Ms. Sachsman Grooms. Just a little bit. Do you want to just stretch for a sec?

Mr. McQuaid. Yes. Two minutes, and then we'll come back.

Ms. Jackson. Okay. So we'll go off the record.

[Recess.]

Mr. Kenny. We can go back on the record. The time is 12:41.

And, again, Mr. Fishman, I greatly appreciate your time here today. We just have a few remaining questions we can hopefully power through and then finish and send you on your way.

BY MR. KENNY:

Q I'd like to quickly return to the discussion we were having in the last round about the site security team, the Security Support Team referred to as the SST. It seemed to be a little confusing to us to track the questions and the answers that were given in that round. There seemed to be an implication or an insinuation that there was a request for the SST that went unheeded.

And, again, I think you had spoken that you don't recall any specific conversations, but I was just hoping to make sure that the record was perfectly clear on that point. So I'd like to ask if during the late July, early August, 2012 timeframe, did Ambassador Stevens ask you to weigh in in any capacity on the decision to extend the Site Security Team in Tripoli?

A I don't recall a specific request.

Q Okay. And do you recall general discussions about that decision to extend in that timeframe?

A I think only the most general, because actually I had forgotten about that issue until it was raised.

Q If there's anything you'd like to add on that point or --

A No.

Q Okay.

A That's it.

Q So shifting to the night of the attacks, there's a series of questions about what specific military assets may have been available on the night to deploy. And I'd just like to take a little step back in that conversation and first ask whether in dealing with the crisis response, on the night of the attacks, did you have an operational role?

A No.

Q In your discussions and observations from the night of the attacks, did you ever get the sense that the National Security Council wasn't taking the crisis seriously enough?

A No.

Q Did you ever get the sense that the President wasn't taking the crisis seriously?

A No.

Q Did you ever get the sense that anyone in the interagency wasn't taking the crisis seriously?

A No.

Q Okay. And focusing specifically on the SVTC, the 7:30 p.m. SVTC on the night of the attacks, I'd like to just ask for your general understanding of the priorities that were discussed during that SVTC and ask whether the safety and security of personnel in Benghazi was

considered to be a priority?

A That was the number one issue.

Q Number one issue. Was it also a priority, in your view?

A Yes, definitely.

Q Okay. And was the safety and security of personnel in Tripoli also a concern or a priority?

A Yeah, because we didn't know if anything would follow the attack.

Q And I think you touched on this a little bit in the last round. You described that there was some limited information, but did you recall that there were conflicting reports coming in on the night of the attacks?

A Definitely.

Q Okay. We've heard the term "fog of war" used to describe information availability on that night. Was that your sense as well?

A That's a good way of describing it.

Q And --

A We had multiple reports coming from various sources, so it was a confusing situation.

Q Okay. And in the SVTC, you had mentioned that there was a discussion, a brief discussion that took place about a public statement. And just so that we understand, you were asked if you had, or participated, or were aware of a series of talking points that may have been developed in the week after the attacks. We understand that there were several talking points that may have been developed, but

I just wanted to understand, our sense was the question was maybe directed towards the talking points that Susan Rice ultimately used on the Sunday talk shows, but I believe your response you were talking about just a general public statement.

So at the time of the SVTC, did you have an awareness that talking points were being developed for use on the Sunday talk shows?

A I mean, that was on a -- the attack occurred between Thursday and Friday if I'm not mistaken, so Sunday felt like an eternity, so the short answer is no.

Q Okay. And was that because the focus at the time, you had mentioned what the number one priority was, but there was this brief discussion about a public statement. Would you --

A Right, because the President had to come out the following day to describe -- to speak about the -- what had happened.

Q That's right. And the President did in fact speak in the Rose Garden, we believe, on the morning following the attacks. Is that your recollection as well?

A Yes.

Q So is it possible, then, that the discussion that night between Ben Rhodes, Denis McDonough, and Mike Morell pertained to the President's public statement he was going to make the following day?

A Yes.

Q Okay.

A Can I ask --

Mr. McQuaid. Can we go off the off the record for one second?

Mr. Kenny. Sure. Off the record.

[Discussion off the record.]

Mr. Kenny. We'll go back on the record.

Mr. Fishman. So I just wanted to clarify one thing that I said in response to, I believe, the last question of the last round on the security planning group about post-conflict security and stability.

The discussions related to an international force potentially deploying to Libya as part of a broader international coalition that would provide security and stability to the country, such as policing roles or training for police. It didn't have anything to do with embassy security directly. And that subject was, again, left in the hands to the professionals at the State Department.

BY MR. KENNY:

Q Thank you. That's a helpful clarification.

Returning, just if we could, just a final set of questions on some of the public statements in the week following the attacks. And there's been, as you may be aware, intense scrutiny of some of the administration's statements and specifically how they characterized the attacks, and I'd like to ask for your view.

Did you ever get the sense that anyone in the National Security Council or the White House was trying to conceal facts about the attacks for political advantage?

A No.

Q Did you ever get the sense that anyone at NSC or the White House was trying to conceal the truth in order to avoid embarrassment

or to perpetuate a false narrative about the attacks?

A No.

Q Were you ever pressured to conceal facts regarding the Benghazi attacks?

A No.

Q Were you ever asked or pressured to conceal the truth about the attacks?

A No.

Q Were you ever asked to perpetuate a false narrative about the attacks?

A No.

Q Okay. And do you have any reason to believe that anyone in the White House Communications Office, whether on the NSC staff or the White House Communications Office was doing anything other than their best good faith effort to determine the truth and convey that accurately with regard to what happened in Benghazi?

A Do you have any reason to --

Q Do you have any reason to believe that the White House communicators were doing anything other than their best faith effort?

A No.

Q No. Okay. And, finally, we understand that you were interviewed by the Accountability Review Board. Is that correct?

A Yes.

Q Were you able to be forthcoming with the ARB in responses to their questions?

A Yes.

Q And did anyone ever pressure you not to share information or to conceal information from the ARB?

A No.

Ms. Sachsman Grooms. That's all we have.

Mr. Kenny. Thank you.

Ms. Sachsman Grooms. We can go off the record.

Mr. Kenny. Off the record.

[Whereupon, at 12:52 p.m., the interview was concluded.]

INTERVIEW OF JEREMY BASH

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, JANUARY 13, 2016

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Mr. Chipman. Let's go on the record.

This is a transcribed interview of Jeremy Bash conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into attacks on U.S. diplomatic facilities in Benghazi, Libya, in September 2012, and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Sir, could you please state your full name for the record?

Mr. Bash. Yes, sir. Jeremy Bash.

Mr. Chipman. Jeremy Bash.

On behalf of the committee and Chairman Gowdy, we appreciate your time and willingness to come in and talk to us today. My name is Dana Chipman. I'm a counsel on the committee staff. I'll ask everyone in the room to introduce themselves as well at this point.

Chairman Gowdy. Trey Gowdy, South Carolina.

Mr. Schiff. Adam Schiff, California.

Mr. Pompeo. Mike Pompeo, Kansas.

Mrs. Brooks. Susan Brooks, Indiana.

Mr. Richards. Ed Richards, DOD Office of the General Counsel.

Mr. Hudson. Bill Hudson, DOD Office of the General Counsel.

Mr. Shapiro. Howard Shapiro, WilmerHale.

Mr. Bash. Jeremy Bash.

Mr. Kiko. Phil Kiko, committee on the majority.

Mr. Davis. Carlton Davis. I'm with Chairman Gowdy.

Ms. Clarke. Sheria Clarke with the majority.

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Ms. Sachsman Grooms. Susanne Sachsman Grooms with the minority.

Ms. Green. Shannon Green with the minority staff.

Ms. Rauch. Laura Rauch with the minority staff.

Mr. Kenny. Peter Kenny with the minority staff.

Mr. Chipman. Thank you.

I'd like to go over some of the ground rules and explain how the interview will proceed. Generally the way the questioning proceeds is that a member from the majority staff will ask questions first for up to an hour and then the minority will have an opportunity to ask questions for an equal period of time, if they so choose.

We will also take a break whenever convenient. This can be after every hour of questioning, after a couple of rounds, whatever you prefer. During a round of questioning, if you need anything -- a glass of water, use of the facilities, to confer with counsel -- please just let us know and we'll go off the record and stop the clock.

As you can see, we've got an official reporter transcribing this interview. So we ask that you give verbal responses to all questions, yes and no, as opposed to nodding your head. I'll ask the reporter to jump in if you do respond nonverbally. Do you understand that?

Mr. Bash. Yes.

Mr. Chipman. Also, I will try to not talk over you and ask that you try to do the same so that we can get a clear record. I would ask that you answer all questions in the most complete and truthful manner possible. We will take our time and repeat or clarify questions if necessary.

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If you have any questions or if you do not understand any of our questions, please let us know and we will give it another try. If you honestly don't know the answer to a question or do not remember, please indicate that as your response.

Do you understand that you have an obligation to answer questions from Congress truthfully?

Mr. Bash. Yes.

Mr. Chipman. This also applies to questions posed by congressional staff in an interview. Do you understand that?

Mr. Bash. Yes.

Mr. Chipman. Witnesses who knowingly provide false testimony could be subject to criminal prosecution for perjury or for making false statements. Do you understand that?

Mr. Bash. Yes.

Mr. Chipman. Is there any reason you are unable to provide truthful answers to today's questions?

Mr. Bash. No.

Mr. Chipman. Okay. That's the end of my preamble. Does the minority have anything to add at this point?

Ms. Sachsman Grooms. I just wanted to thank you for coming in voluntarily.

Mr. Bash. Thank you.

Mr. Chipman. The clock reads 9:08, and we'll get started with the first hour of questioning.

At this point, I'd like to introduce as exhibits 1 and 2 a timeline

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of key events and decisions.

[Bash Exhibits Nos. 1 and 2

Were marked for identification.]

Mr. Chipman. It's a product prepared by the Republican committee staff. It's not an official DOD timeline. And I would like to also introduce an email dated September 11, 2012. It's sent by you at 7:19 p.m. And so I would like to have those marked as our first exhibits and passed out.

Ms. Sachsman Grooms. Dana, for the record, which one is exhibit 1 and which one is exhibit 2?

Mr. Chipman. Exhibit 1 would be the unclassified timeline of key events and decisions. Exhibit 2 would be the email reference.

Ms. Betz. The whole chain?

Mr. Chipman. The whole chain. And, again, that chain consists of two pages. Exhibit 2 consists of four pages, pages 11 through 14. It's for select committee use only. This was produced by the Department of Defense in an email production on January 7 of 2016.

And at this point, I'll turn it over to Chairman Gowdy for questions.

Chairman Gowdy. Thank you, General.

Mr. Bash, thank you for coming in voluntarily. And I also want to compliment your counsel, who is very easy to work with.

I'm going to ask you a series of questions. If any of them strike you as trick questions, either I haven't asked it correctly or you haven't heard it correctly, because these are not trick questions. I'm

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trying to find out what you know. You are an important witness, and you have information that the committee would benefit from. And I'll start chronologically and go that way to the extent I can.

When did you learn of the attack in Benghazi?

Mr. Bash. On the date of the attack. Are you asking precisely what time?

Chairman Gowdy. Yes, sir.

Mr. Bash. My recollection is that as the Secretary of Defense, Secretary Panetta, was preparing to leave for a prescheduled meeting with the President in the Oval Office -- he and the chairman had a weekly regular meeting with the President -- he was kind of getting his things together and getting ready. I don't precisely remember what time that was, but it would've been, you know, some period of time that accounts for travel time over to the White House.

And I have a general recollection that General Kelly, who was the senior military assistant in the Office of the Secretary of Defense, sort of my military counterpart, if you will, was telling the Secretary, as he was gathering his things up, that he had gotten an initial report of an event at the U.S. facility in Benghazi.

And what I specifically recall from that quick initial take briefing were two things that kind of stuck in my mind. One is, I remember General Kelly talking about a fire, and I remember there was discussion about a fire at the facility. And then I recall him stating something about the Ambassador was unaccounted for or possibly missing or possibly a hostage.

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And those were the two things that kind of have endured in my memory from more than 3 years ago as the Secretary was getting ready to go to this meeting at the White House.

Chairman Gowdy. And that meeting was scheduled for 5 p.m. Is that your recollection?

Mr. Bash. Yes. Yeah, that's my understanding. That's my recollection.

Chairman Gowdy. All right. So this conversation necessarily would have taken place at some point prior to that?

Mr. Bash. Yeah. Probably around 4:30 or 4:25, you know, somewhere in that timeframe. I sort of have a general recollection the Secretary was packing up his things to go.

Chairman Gowdy. All right. And were you part of the conversation or were you just in a position to overhear the conversation?

Mr. Bash. My general recollection, it's not totally clear, but was that we were in the hallway or the Secretary's door was open and I was standing there. So, I mean, I was certainly more than within earshot, but I was part of a group of, you know, a few people who were helping get the Secretary ready to get out the door.

You know, sometimes when you kind of run into a meeting your staff is kind of getting around you, telling you a couple things as you leave.

Chairman Gowdy. And you have -- and I don't want to put words in your mouth -- but you have specific recollection of hearing about a fire and perhaps some uncertainty as to the whereabouts of the

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Ambassador?

Mr. Bash. Yeah. I recall General Kelly mentioning those issues.

Chairman Gowdy. What else, if anything, do you recall in that initial first hearing about Benghazi?

Mr. Bash. I can't recall what I knew at the time versus what I've obviously since learned and read a great deal about since then and analyzed since then, but those were the things that are in my mind from that initial SITREP.

Chairman Gowdy. Did you ask General Kelly any questions, or do you recall Secretary Panetta asking any questions?

Mr. Bash. I don't really specifically recall what happened after General Kelly gave him the quick update. It's probable that there was some quick back-and-forth conversation: Keep me posted, you know, let's learn more or find out more, stay on top of this. But that would be Secretary Panetta's general mode.

Chairman Gowdy. And then what happened next?

Mr. Bash. With regard to me or with regard to Secretary Panetta or --

Chairman Gowdy. Both, if you know.

Mr. Bash. Secretary Panetta went to the White House and had the meeting with the President, along with the Chairman of the Joint Chiefs. And then Secretary Panetta returned to the Pentagon probably shortly before 6, maybe, you know, a few minutes before 6 or so. And as I think Secretary Panetta has testified about before the Senate Armed Services

Committee and as part of the DOD timeline that was released, we held a series of meetings in the Secretary's office from about 6 to about 8.

Chairman Gowdy. So I'm assuming from your chronology you did not attend the White House meeting?

Mr. Bash. That's correct, sir.

Chairman Gowdy. So you stayed in the office. Did you have any conversations with anyone else in the absence of Secretary Panetta? Did you call anyone to find out more information? Did anyone call you?

Mr. Bash. I don't remember. I don't remember what conversations I had or what General Kelly was specifically doing at the time.

Chairman Gowdy. Was General Kelly with you or did he accompany the Secretary to the White House?

Mr. Bash. He would not have accompanied Secretary Panetta to the White House. Generally, Secretary Panetta and the Chairman went together and they had the meeting down there and they would return. Occasionally, if the Secretary was riding around D.C., maybe a junior military assistant would accompany, but it would be very unusual for General Kelly to have accompanied.

Chairman Gowdy. So you do not recall Secretary Panetta saying: "Find out everything you can. I'm on the way to the White House." You don't recall what you did from the time he left until the time you came back?

Mr. Bash. I don't recall the words spoken, but obviously it was

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a SITREP of a serious situation, a crisis, so I'm quite certain that people were on top of it. We were trying to find out everything we could.

Chairman Gowdy. When you say people were on top of it trying to find out everything they could --

Mr. Bash. Sorry. I should clarify that. I'm quite certain that General Kelly continued to be in touch with other folks on the Joint Staff to understand what we could learn.

Chairman Gowdy. But that would not have been a role that you played?

Mr. Bash. As a general matter or in this specific case?

Chairman Gowdy. This specific case.

Mr. Bash. Because there were occasions when I would have dialogue with folks on the Joint Staff. In this case, I don't recall specifically what conversations I had.

Chairman Gowdy. Is it that you recall having them but can't recall who it's with, or you just don't recall whether you had them?

Mr. Bash. The next thing I remember is Secretary Panetta coming back and us having meetings about this thing. I just don't have a recollection at all of what I did when Secretary Panetta was at the White House.

Chairman Gowdy. All right. Well, then let's go with the next recollection you do have. He comes back from the White House. Tell us about that.

Mr. Bash. Around 6:00 we mustered in the Secretary's office

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senior officials from the Department of Defense. And I recall being present at that meeting, which was, I would characterize it sort of as like a rolling meeting, you know, some people kind of flowing in and out with information updates.

And I remember the Chairman was there, the Vice Chairman was there, and General Ham was there, the combatant commander for U.S. Africa Command was there. And I'm almost certain General Kelly was there as well for some portion or all of it. I was in for -- I recall being in the meeting at times, I think it's fair to characterize maybe in and out.

But -- so he held a series of meetings -- or he held a meeting in his office that kind of ran for a while. And the thrust of the meeting, if you want me to kind of go there, sir, or you want to -- the thrust of the meeting was what do we know about the situation, but also, I remember a lot of conversation about what the threat looked like to U.S. forces, installations, and personnel in the region generally.

There was a lot of discussion about what might happen in Egypt and what might happen in elsewhere, in Tunisia and elsewhere around the region. And there was a lot of discussion about what little information we knew about what was happening in Benghazi might portend for a broader series of threats to U.S. interests around the region.

With regard to Benghazi specifically, my recollection is that the characterization of what the situation was, was that it was a potential hostage rescue situation, where the Ambassador potentially was being held by terrorists, and that the question on the table, as it kind of

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was laid out over that next little while, was how would we, how could we respond to the situation if we found ourselves, heaven forbid, in the situation in which the Ambassador was being held hostage.

Chairman Gowdy. Help me understand this. You have an active situation in Benghazi which you know about, which to just -- the minimum amount of information you would've had at the time was that fire was involved, you have a missing ambassador, that at 6:00 when the Secretary returns is still missing, you think it may be a hostage situation.

How much of your time was spent discussing potential threats as opposed to the one that you actually knew about?

Mr. Bash. I don't recall the time differential. I just know that both were talked about.

Chairman Gowdy. You were in the meeting; I was not. And common sense may or may not have a role in situations like this. But if you have an ambassador who was missing and maybe a hostage, would that not dominate the discussion as opposed to theoretical risks that don't exist?

Mr. Bash. Well, I would characterize it a little differently, which is that the first and primary concern was obviously the whereabouts of the Ambassador and his wellbeing. And also the Chairman and the Vice Chairman and others were also concerned and talking to the Secretary about other threats to U.S. personnel in the region. I think it's fair to say both were of concern.

I can't delineate the time devoted to each problem set, and in some ways they were interlaced. They weren't thought of as distinct

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problems. They were thought of actually as part of a -- as one problem together.

And the conversation, my recollection is not that it was, you know, topic one and topic two. It was sort of a -- it was kind of an impromptu meeting, right, because it was a crisis, and it was kind of a crisis discussion about all the different things that could impact U.S. personnel.

Chairman Gowdy. But it strikes me the crisis was the fact that you had a missing ambassador and a facility in Benghazi that had been attacked. Were there other crises that were active or were they theoretical at that point?

Mr. Bash. I think it's -- I would characterize it as more than theoretical. I think the operating assumption was that there could be other threats, serious threats to U.S. personnel and interests across the region.

Chairman Gowdy. You had had an incident in Cairo earlier, protest? Protest in Cairo?

Mr. Bash. Earlier that day?

Chairman Gowdy. Right.

Mr. Bash. I don't specifically recall when that occurred. My recollection is that there was some concern about Cairo.

Chairman Gowdy. But not enough to convene a special meeting. That was only after you learned of Benghazi.

Mr. Bash. I don't remember when the Secretary was made aware of the Cairo situation and what discussions he had. I don't know that

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I would characterize it as a special meeting. He wouldn't just say let's have a special meeting. It sort of depended on the circumstances.

Chairman Gowdy. I'm not being critical. I would think that you would have a special meeting if there was an ambassador missing.

Mr. Bash. Yeah. Well -- and we did.

Chairman Gowdy. I guess it's not super important. I'm just trying to get a sense of why that would not have dominated that meeting. If Cairo didn't even warrant a meeting and that happened, and then Benghazi, which is more problematic than Cairo, how much time are you going to spend talking about things that haven't happened when you have a missing ambassador?

Mr. Bash. Well, first, I want to make sure the record is clear. I'm not sure I said that a meeting on Cairo didn't happen. I don't remember if a meeting on Cairo happened or who had a meeting --

Chairman Gowdy. Fair enough.

Mr. Bash. -- or what discussions the Secretary had, because sometimes his conversations and his discussions with senior uniformed military was not in a meeting, per se. It was a phone call or conversation as a general matter. I don't specifically recall what happened with regards to Cairo.

But I think your characterization is -- or the predicate is correct that the dominant crisis there was the unaccounted-for ambassador. That was the main focus of the conversation. But I want to make sure the record is also complete, the conversation did

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incorporate and include threats to other personnel.

And I, again, want to emphasize, I don't recall them being thought of as theoretical or hypothetical or maybe, maybe not, or speculative. Everyone was very seriously focused on what could potentially happen to U.S. personnel and what responses would be required should other U.S. personnel and interests and facilities come under attack.

Mr. Shapiro. As well as deployment of troops.

Mr. Bash. I will add that the conversation -- I think we're going to get to this, which is the decisions that the Secretary made about deployment of forces -- the conversation incorporated discussions about where we might deploy forces --

Chairman Gowdy. We're getting there.

Mr. Bash. Yeah.

Chairman Gowdy. We're getting there.

I don't want to put words in Secretary Panetta's mouth. Whatever his testimony was it was, and that's the record. But a loose characterization, I suppose, is the President told the Secretary do everything you can to help our people. Is that also your understanding, that the President said do everything you can?

Mr. Bash. Yeah. And Secretary Panetta has testified about that publicly and written about that in his memoir and spoken publicly about that.

Chairman Gowdy. All right. So the President told the Secretary of Defense do everything you can. And what did the Secretary tell you or General Kelly or General Dempsey or anyone else who would need to

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be told?

Mr. Bash. Well, as I started to recount, the Secretary returned to the building, and at about 6:00 we had a meeting that was in the Secretary's office with the players that I previously identified. And the discussion was about what can we do and what can the response options be, and we can go into those in some specificity.

Chairman Gowdy. Yeah. I would love it if you could tell me every asset from the practical to the impractical that you considered.

Mr. Bash. I don't know that I could do that by memory, what I considered at the time. But I know what assets the Secretary ultimately directed to be deployed, and we can go through those.

Chairman Gowdy. Well, let's start there. We'll start there.

Mr. Bash. Well, both my recollection but also it's from Secretary Panetta's public discussions of this in his testimony, his memoir and such, he directed the deployment of four elements, and those are the ones that are reflected on the timeline. And I can verbalize those if it's useful for the record.

Chairman Gowdy. Yeah, if you would.

Mr. Bash. Okay. So he directed a FAST platoon from Rota, Spain, to prepare to deploy to Benghazi; a FAST platoon from Rota to prepare to deploy to Tripoli; a EUCOM -- and it says here Special Operations Force. I think we referred to it as a Commanders In-extremis Force, which was conducting training in -- and the timeline says Central Europe, but just to put a finer point, my understanding was that was training in Croatia -- to prepare to deploy and to possibly operate

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out of an intermediate staging base. And it says here Southern Europe. My recollection is that was Sigonella.

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Chairman Gowdy. Are those the only four elements or assets, whichever is the proper word, that you were aware of that might be at our disposal generally?

Mr. Bash. I have a recollection from the meeting that the Joint Staff leadership, and I believe it was the Vice Chairman, presented a kind of comprehensive laydown of what all the different elements in the area would look like. I generally recall us looking at maps and things that would show where different forces were and what the time distances were to different -- to Libya.

I don't specifically recall if it was like, you know, here is the whole menu -- actually, let me just back up for a moment. I don't think it was like here is the whole menu of everything available, like in one shot, like, you know, shortly after the meeting began.

I kind of remember it as a rolling discussion and people come in with bits of information. Or I recall there being a lot of discussion with units downrange, like, hey, we've talked to these guys, they're

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ready, or they have a force that can respond, or this team might fit the bill, or this is our hostage rescue element that's on standby, because sometimes these things tended to rotate.

So my sense was there was a lot of discussion between the Joint Staff and the relevant combatant commanders and the elements downrange that would be get ready, spinning up to get ready to respond.

And so the conversation with the Secretary was sort of a rolling set of updates about, yeah, we've talked to these people, they're ready, these people can get going, these people will drop what they're doing, you know, whatever the situation was.

Chairman Gowdy. Who's the single best resource for us to talk to about the full panoply of assets that could have been -- again, from the practical to the impractical?

Mr. Bash. Yeah. I saw a map recently from the Pentagon that had the laydown, and that was probably prepared by the Joint Staff. So someone on the Joint Staff would probably be a sense. The J-3 probably would be the best positioned element, I can't tell you a name of an individual, but an element that would keep track of where U.S. military forces were deployed on any given day -- and, obviously, we're interested in this day -- and what the response time and what their capabilities and what their indigenous logistics capabilities would be and so forth.

Chairman Gowdy. All right. And I ask for two reasons. Number one, I think every member of the committee, at least on the Republican side, has been asked and is still asked, even as recently as within

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the last week, a colleague who serves in the House heard from someone who heard from someone who heard from someone that they were geared up, ready to go, waiting on the call, the call never came.

And the only way I know to address that, which is a serious allegation, is access to the full panoply of assets so that can either be contradicted or corroborated.

Mr. Bash. I completely agree. I think this is an incredibly important issue because it has been much in discussion in the public domain. It's the reason why I think Secretary Panetta wrote about so much of it in his book and why he's talked about it whenever he's had the chance and why he and General Dempsey testified about it. You know, I don't get asked to testify or write books or anything, but obviously people ask me questions as well, and I like to answer it as kind of directly as possible.

And I'd like to maybe go through the timeline and just talk about what ended up evolving, you know, over the course of the evening, I'm sure that's the nature of your questions, but I can kind of give you the bottom line and then we can unpack it a little bit.

But everything that I saw on that day, and I was there, everything I saw led me to conclude that everybody at the Department of Defense, the senior officials, the Secretary of Defense, the Chairman and all of the uniformed military, did everything they could to respond to the crisis and to get a rescue mission staged to help save our people.

And they could not have gotten there in time. They did not get there in time. But we tried, and we did not stop at anything, and we

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did not slow down, and we tried everything we could to get there on time.

Chairman Gowdy. All right. Hold that thought for a second, because there wound up, I believe, being DOD assets that even the Secretary was unaware of in Tripoli, which leads me to wonder was that not on the map you referenced. Were there other assets that even the Secretary of Defense would not have been aware of?

Mr. Bash. I don't recall that element, that Tripoli team that came from Tripoli to Benghazi, which we now know quite a bit more about, I don't recall that at all being discussed in the meeting or being presented to the Secretary as an option.

Chairman Gowdy. Was it because no one was aware of it being an option or was someone aware of it and just concluded that that was not a viable option?

Mr. Bash. I don't know.

Chairman Gowdy. All right. So the President tells Secretary Panetta do everything you can to save our people, and Secretary Panetta's instructions to you and others was what?

Mr. Bash. Well, when it came back it was, first, let's get all the right players in the room here. And that's what we did. We got the Chairman, the Vice Chairman, and as I noted, the commanding general of U.S. Africa Command. And there were others in the room likely, as I said, General Kelly was probably there, but I don't recall the exact manifest of everyone who was in and out of that discussion.

So the first thing that he directed was let's get everyone

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together. And then, as I noted previously, there was discussion about the situation in Benghazi, the broader threats and the deployment of forces. And throughout the conversation, different options and elements were being discussed and presented ultimately to the Secretary.

Chairman Gowdy. And ultimately the Secretary's instructions were what?

Mr. Bash. Ultimately, at the end of it all, you know, after that kind of -- by the end of that rolling meeting, if you will, he made the directives that I previously referenced.

Chairman Gowdy. The Secretary -- again, his testimony will speak for itself, it's not my place to characterize it -- but my recollection is that he said: I ordered that those forces or elements be deployed, not prepared to deploy, but deployed. Is that also your understanding?

Mr. Bash. Yes. And my understanding, just having looked into that question, that distinction, because that was asked of Chairman Dempsey in a public hearing, is that essentially they're the same thing. And --

Chairman Gowdy. Well, I don't have a military background, and lawyers have been known to hyper-analyze words, but it does strike me that there is a difference between deploy, which is an active tense word, and prepare to deploy, which suggests something else has to happen.

Mr. Bash. I didn't think of those as anything distinct. The

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order was deploy. Go, obviously, an element of going is preparing, and, in fact, my sense is that preparations were already underway. People were already having conversations about and discussions downrange about what's required to respond to the situation. So the preparations were going on and the deployments were ordered.

And maybe, Mr. Chairman, if I could just spend a moment on kind of the usual deployment situation versus the very unique situation we found ourselves in that evening, because I think it's appropriate for the context. And I'll try to be very condensed here. I know time is limited.

But, in general, the Secretary of Defense made deployment decisions every Thursday at a deployment orders meeting that he would have staffed by the Joint Staff. And the Joint Staff -- and usually the Chairman or the Vice Chairman would attend that, it would be in the Secretary of Defense's conference room, and I attended many of those. And General Kelly would attend, and General Waldhauser, who succeeded him, would attend many of those.

In that meeting the Secretary was provided a binder. In each binder there was a page of here is a unit or an element or a battalion or such, and we propose that this element be deployed to this area of operations for this duration with these conditions and these coordinations having been done.

It was a very orderly process. I mean, it was just -- it was the way you'd expect, as Dana knows, the Pentagon to do something. It was just very thoroughly staffed, and it was done very well in terms of

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just being very organized.

There were other situations that I experienced at the Pentagon where that normal deployment order process was not followed. And the examples that I can think of was when there was a specific special operations mission that was used to conduct operations, and the examples I'm thinking of involved Africa.

So if you think about -- the State of the Union actually reminded me of the operation in January of 2012 to rescue Jessica Buchanan -- that was an operation that was planned and that was briefed to the Secretary and the Chairman. There were discussions with interagency officials. And it was over a couple of days' period, but there was a rolling set of discussions. Even there we had, like, a lot of time, relatively speaking, to think through the deployments, and the Secretary gave orders and such.

This night nothing was normal. There were no protocols. There were no standard procedures for how to make deployment decisions on the fly in a crisis. [redacted]

This was a real-time, very fluid, very dynamic set of meetings in which the Secretary, with his senior military, uniformed military advisers, the Chairman, the Vice, and the combatant commanders and others, were making real-time decisions.

So I just want to set that context, because I'm sure some people

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could look at this and say: Why were these words used or that discussion or this phrase used, "prepare to deploy" or "deploy"? My recollection was he was told of the situation, he was told about which units could respond, and he said: Go get them, do it, move.

Chairman Gowdy. So there would've been no further order necessary from him?

Mr. Bash. Correct.

Chairman Gowdy. Wheels could have taken off and he would not have had to say another single, solitary word?

Mr. Bash. Correct, and I believe that actually was the case.

Chairman Gowdy. All right. So he never amplified, clarified, withdrew, changed his instructions, which were deploy?

Mr. Bash. He did not.

Chairman Gowdy. Okay. And to the best of your recollection, that order would have been given when?

Mr. Bash. Well, as I said, the meetings wrapped up, The meetings were going on until about 8:00 in his office, and at that point or shortly thereafter, again, from the timeline, and that's my recollection too, the orders went out formally. But it was a rolling --

Chairman Gowdy. When you say formally, you mean verbally or in writing or --

Mr. Bash. Well, I rely on the timeline that the Department produced at the time to note when the formal written authorization occurred.

[redacted]

[redacted]

Throughout the meeting, the Secretary was leaning very far forward. He was saying: If we've got people that can respond, let's respond. What do we have? And more updates were coming into him about, okay, we talked to this unit and this element, and we have these people that might be able to respond.

And as I mentioned, there was this situation where a force that was normally stationed in Stuttgart, the Commanders In-extremis Force, actually happened to be located much further south, and they were on a training mission. They were in Croatia. But that was a potential element that could be responding.

So, you know, there was a lot of -- my recollection is there was a lot of conversation back and forth with the field, and they were getting ready. And he was basically saying: Go, deploy.

And so I don't have a specific time, you know, time clock recollection of what time he said it. But, again, I also just want members of the committee to understand, it wasn't like a Hollywood moment where he said: I hereby deploy. It was an intense crisis meeting over the course of the better part of 2 hours, in which the sum total of that was these units should deploy.

Chairman Gowdy. All right. Well, that brings me to an email that you authored on 7:19. And, again, the record will speak for itself. Whatever Secretary Panetta said he said. We were left with the impression that his order to deploy predated this email. Do you have a different impression?

Mr. Bash. Well, my recollection is that there were meetings

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still going on in the Secretary's office and that the senior uniformed military leadership was still having conversations with the Secretary. And so my sense, having my recollection refreshed when this email was released as part of a FOIA lawsuit and I saw it, was -- and knowing, obviously, that the timeline, as I recalled, it was that there was this rolling meeting in the Secretary's office -- was that there were still meetings going on.

And I was in and out of the meeting, so it's possible I didn't hear something that happened in the meeting that happened. That's possible. But as I'm communicating here with State Department officials and with cc's to the DOD leadership, I think my mode was the Secretary and his senior military advisers are still making decisions, and assuming those principal officials, the Secretary, the Chairman, the Vice Chairman, the combatant commander, the relevant combatant commanders approved these elements to deploy, that will be done. But my training --

Chairman Gowdy. We'll get to that in a second. I don't want to fast forward. I also don't want to interrupt you, but I don't want to fast forward. We'll go through it in chronological order.

But to the best of your recollection, the attack in Benghazi began when, using eastern standard time?

Mr. Bash. Well, according to the timeline, it began at 3:42 p.m.

Chairman Gowdy. All right. And the Secretary would have known about it shortly before he left or at some point before he left to go to the White House at 5:00?

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Mr. Bash. That's right. And just to clarify, the information he would have had at the time was about the fire and about the unaccounted-for Ambassador.

Chairman Gowdy. Both of which would've been serious?

Mr. Bash. Very serious.

Chairman Gowdy. All right. And sometime between 5 and 6, President of the United States, who also doubles as the Commander in Chief, said do everything you can to help these people?

Mr. Bash. Yes, sir.

Chairman Gowdy. And that was before 6?

Mr. Bash. He said it before 6, if that's your question, yes.

Chairman Gowdy. Right. And Secretary Panetta then came back for this rolling meeting that you describe. And if I understood your testimony correctly, by 7:19, which was an hour and 19 minutes later, there was still ambiguity about whether or not he had ordered to deploy?

Mr. Bash. I wouldn't say that. I just said that my testimony was that I was in and out of the meeting and that I had stepped out roughly an hour and a few minutes into it and that the meetings were still going on in the Secretary's office.

And I knew where Secretary Panetta's mindset was. I worked for him for a while. I knew there was no doubt that he was going to order the deployment and that, in his mind, he had already made up his mind, he already made his decision to deploy any element that could help respond to the situation and could help rescue any Americans who were in danger. There was no doubt about that.

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And everybody, in fact, that I encountered had that same mindset. So there was no ambiguity. You used the word "ambiguity." There was no ambiguity about that. But the meetings were still going on. And I think, if at some point you want me to address the email, the substance of the email, I can --

Chairman Gowdy. We're going to do it in a second. We'll do it in a second.

Your email is -- and, again, and this is 7:19 p.m. -- your email begins: "State colleagues." Had you had previous telephone conversations with them? Was this your initial --

Mr. Shapiro. About this issue, sir?

Chairman Gowdy. Yes, sir.

Mr. Bash. I don't remember if I spoke to him on the phone or had other email communication with him before this email.

Chairman Gowdy. Right. The second sentence says: "I just tried you on the phone but you were all in with S."

How did you try him? Is there a switchboard you called? Did you call their desk?

Mr. Bash. I don't remember how I tried them. I could tell you the different ways I would have tried them, if that's useful. I could have asked SecDef Cables to try to reach them. They're the element that places telephone calls for the Secretary of Defense's office -- Secretary of Defense and his office.

I could have tried State Ops, which handles the corresponding responsibility at the State Department. It's possible I had their

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phone numbers, you know, handy. I don't recall.

Chairman Gowdy. But your recollection is you tried how many folks at the State Department?

Mr. Bash. I don't remember.

Chairman Gowdy. Next paragraph: "After consulting with General Dempsey, General Ham and the Joint Staff, we have identified the forces" -- "we" being whom?

Mr. Bash. The senior leadership of the United States Department of Defense.

Chairman Gowdy. Would it include any names that you did not list in that series, Dempsey, Ham, and Joint Staff?

Mr. Bash. Admiral Winnefeld, and General Kelly, as I said, probably was there as well.

Chairman Gowdy. "-- forces that could move to Benghazi. They are spinning up as we speak." What does the phrase "spinning up" mean?

Mr. Bash. Preparing.

Chairman Gowdy. Why not use the word "preparing"?

Mr. Bash. I don't know, sir. It was a crisis situation. I was banging out an email pretty fast. I don't know that I spent too much time choosing every word carefully. But "spinning up" is a phrase that I tended to use a lot when I referred to people preparing to do something.

I want to make clear, I don't think I was referring to -- because it wouldn't have made sense -- you know, a rotor of a helicopter spinning, like, I think, physically spinning through space. I think

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it was more of a colloquialism of "spinning up" meaning preparing, getting ready.

Chairman Gowdy. Do you understand how somebody might take it that that's how you meant it?

Mr. Bash. Yes, except, obviously, as the committee knows, though, you can't fly a helicopter unrefueled from Rota, Spain, to Benghazi. It's 1,500 miles. So that wouldn't make any logical sense. If someone thought that there was a helicopter spinning in Rota, Spain, to prepare to deploy to Libya, that obviously doesn't comport with anything I've experienced in the military, in my experience with the military. I served in the military.

Chairman Gowdy. So "spinning up" is another word for preparing?

Mr. Bash. Yes, sir.

Chairman Gowdy. "They included an SOF element that was in Croatia." You see that?

Mr. Bash. Yes, sir.

Chairman Gowdy. What did you mean by "was"?

Mr. Bash. As opposed to "is"?

Chairman Gowdy. Yeah.

Mr. Bash. I don't know. I think they're the same. They were at the time in Croatia. Writing contemporaneously, I could have used "is."

Chairman Gowdy. You would agree that those words mean two different things?

Mr. Bash. I would, except I don't think that bears relevance to

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where they physically were at the time. Let me --

Chairman Gowdy. I'm not arguing relevance. I didn't write it. I'm asking the author of it. "They include an SOF element that was" --

Mr. Bash. Yeah.

Chairman Gowdy. -- "in Croatia." Did you mean to say "is in Croatia"?

Mr. Bash. "Is" would've been correct. My understanding from everything I recall about the event and everything that's been discussed is that at the moment the email was written they were physically in Croatia. So I think your -- the premise of your question, is "is" more accurate than "was," is true.

Chairman Gowdy. I guess, the premise of my question is what is accurate and what is not. If it was still in Croatia then it was in Croatia.

Mr. Bash. "Is" is more accurate than "was," given when this email was written.

Chairman Gowdy. All right. Going back to the sentence before: "They are spinning up." What did you mean by "they"?

Mr. Bash. The forces that were identified.

Chairman Gowdy. All of the ones that were identified?

Mr. Bash. I don't remember if all of the forces were getting ready. As I said, this was kind of a rolling discussion about different elements that could respond. And there was -- my recollection is there was slightly different information about each of the different elements. And there was communications downrange, as I noted, with

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different commanders in the field about what elements were ready, what elements had to get ready, what elements had to drop what they were doing and so forth.

So I don't think the "they" was meant to specifically refer to all of them or some of them or none of them. It was just a quick banging out of an email to note that we identified some forces, they're getting ready.

Chairman Gowdy. And who was your source of information?

Mr. Bash. The people who briefed the Secretary, the senior uniformed military of the United States Department of Defense.

Chairman Gowdy. So they were your source that these elements or assets or forces were spinning up?

Mr. Bash. Yes.

Chairman Gowdy. Did any of your sources use the phrase "spinning up"?

Mr. Bash. I've heard that jargon at the Pentagon. I don't recall if someone used it that evening.

Chairman Gowdy. All right, next paragraph. "Assuming Principals agree to deploy these elements -- " what principals were you referring to?

Mr. Bash. Secretary Panetta, Chairman Dempsey, Vice Chairman Winnefeld, and the relevant combatant commanders. General Ham was there that evening. Other combatant commanders would be affected, obviously the commanding general of U.S. Special Operations Command, the commanding general of U.S. European Command, and Lieutenant General

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John Kelly, was, as I noted, probably in those discussions as well.

Chairman Gowdy. Refresh my recollection on what -- or not my recollection. What is your understanding of the chain of command?

Mr. Bash. The chain of command is enshrined by law, and it's very clear in my mind. It goes from the Commander in Chief, the President of the United States, to the Secretary of Defense, to the combatant commander.

Chairman Gowdy. All right. And how many principals are in that series, to your --

Mr. Bash. And by principals, do you mean the way I was referring to in this email or by some other definition?

Chairman Gowdy. No, just yours.

Mr. Bash. The SecDef and the combatant commander, those two individuals.

Chairman Gowdy. If the Secretary of Defense says to do something, can anyone countermand that order?

Mr. Bash. Can anyone countermand that order lawfully?

Chairman Gowdy. Other than the President.

Mr. Bash. No. The Secretary is in the chain of command. He can deploy forces into harm's way.

As a practical matter, I can tell you the way Secretary Panetta operated, and I think this is the way other secretaries of defense have operated, and, in fact, the way I saw Secretary Panetta operate on September 11, 2012, which is that he received the advice from the senior uniformed military of the Department of Defense. And he relied on very

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heavily the military advice of the Chairman, of the Vice Chairman, and the relevant combatant commanders, and others.

And so while under the law he certainly could just say deploy and he could order forces into harm's way, as a practical matter, he was doing it with the advice and informed military advice of the senior uniformed military. And that was the process that he used on every single deployment I ever saw him decide on.

Without exception, I never saw him make a deployment decision without the advice -- and concurrence, actually -- of the senior uniformed military, and in particular the Chairman and the Vice Chairman. And they are the principal military advisers to the Secretary of Defense. They are not, as you noted, formally -- or as I noted -- formally in the chain of command. They are, however, an indispensable part of the Secretary of Defense's military decisionmaking.

Chairman Gowdy. Well, it's not that they're not formally in the chain of command. They're not in the chain of command.

Mr. Bash. They're not in the chain of command, but they are an indispensable part of the Secretary's decisionmaking process.

Chairman Gowdy. Only because he chooses to make them so, correct?

Mr. Bash. He and -- as my understanding is, is that other secretaries of defense have similarly utilized.

Chairman Gowdy. Mr. Bash, I can't speak to that. I am limited only to what Secretary Panetta said.

[redacted]

Mr. Bash. Okay. My understanding --

Chairman Gowdy. That's how I'm hamstrung, is just by what he said.

Mr. Bash. I understand.

Chairman Gowdy. And what he said was you needed no further instruction from him, that he was clear, deploy, nothing else was needed. And I am reading a sentence that says: "Assume Principals agree --" He's one of the principals, agreed?

Mr. Bash. So he is the chain of command authority that can authorize the deployment of forces, and he did. He also was still, when I wrote this email, in conversation with the other senior uniformed military of the Department of Defense.

And a point that I wanted to make is my training in talking about my bosses actually comes from my time working with some members of the staff on Capitol Hill. When you sort of characterize your boss' position, you should do so, in my view, with appropriate humility and say: Assuming my boss agrees, if my boss agrees.

Even if you know in your mind that they've already agreed or they've made a tentative agreement or they've made a tentative decision, the way you communicate that to others is to say: It's my boss for announce the decision, not for me to announce the decision.

And I just know my style. I don't remember exactly how I was thinking that evening, but I know my style is to, especially when talking about serious issues like deployment of U.S. military forces in a crisis and the chain of command, just to be appropriately humble

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and say: You know, assuming my boss here and senior folks here, you know, make this final call, this is what's going to happen. And that's the way I communicated it.

Chairman Gowdy. It's not my intent to cross-examine or impeach your humility or your style. I'm just going based on what you wrote, and I'm trying to reconcile it with other testimony. And, again, Secretary Panetta's testimony will speak for itself. I don't think he could have been any more unambiguous that he gave an order to deploy.

And when he was asked what you could have meant by "Assuming Principals agree," he doesn't know, because he thought they had. He thinks there are two principals: One is the President of the United States and one is the Secretary of Defense. And they had both already said what they wanted done. So we're trying to figure out who else you needed to hear from.

Mr. Bash. Just to clarify, I don't know that the specific units and elements were briefed to the President. They were part of this discussion that was happening over this 2-hour period.

So I think in the email I'm referring to not the broad decision of go get them and go rescue our people in harm's way. That obviously was the general intent and directive set forth by the President.

Chairman Gowdy. Are you saying that the President needed to be briefed on these --

Mr. Bash. On, no.

Chairman Gowdy. -- specific elements?

Mr. Bash. Oh, no. No, that's not what I'm saying. What I'm

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saying is that you were recounting that the principals of the President and the Secretary of Defense had already agreed. That's what you stated as the predicate. And I'm --

Chairman Gowdy. It's not what I said. It's what the Secretary testified.

Mr. Bash. It's how you're recounting, I understand that, it's how you're recounting that the Secretary testified. And what I'm saying is that the principals that I'm referring to here included the Secretary, but also included others.

Chairman Gowdy. Well, I would just note, and the email speaks for itself, you said you were in a hurry, but you took the time to capitalize "Principal." And we're not going to quarrel over it, but my understanding of the chain of command is there are only two principals.

Mr. Bash. Well, three if you include the combatant commander, and then it actually goes down the line, down to the deployed elements.

Chairman Gowdy. And it's my understanding that once on down the line, there's one boss, and he says move, and then the next guy says move, and then everybody moves.

Mr. Bash. Yes. But as I previously stated, the Secretary makes those decisions in consultation with the Chairman and the Vice Chairman and others. And I can't tell --

Chairman Gowdy. Well, let's try it this way, then. Did you have to go back to Secretary Panetta and get further permission before any of these things went into motion?

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Mr. Bash. Did I?

Chairman Gowdy. Did anyone?

Mr. Bash. Well, it wouldn't be me that would have to go back to him. But once the deployment orders were given, no.

Chairman Gowdy. So there was nothing to assume at the time you wrote this email because you didn't have to go back to him and get him to agree to deploy because you didn't go back and get him to agree to deploy.

Mr. Bash. Well, as I stated previously, this email was sent while the meeting was going on, and the meetings were still happening in the Secretary's office. So the meeting hadn't -- the meetings hadn't concluded in the Secretary's office about the deployment decisions.

Chairman Gowdy. So your testimony is at 7:19 p.m. the Secretary of Defense had not instructed you to deploy at that point?

Mr. Bash. He wouldn't instruct me. I'm a staff element supporting the Secretary. I'm not in the chain of command. And I think if you're saying did he instruct any -- that he did not instruct anybody, that's not my testimony. I didn't say he didn't. I'm saying I was in and out of the meeting, and at the time I wrote this email the meetings in the Secretary's office about deployment decisions were still going on.

And the way I characterized it was to state -- and, again, operating in a hurry, banging out a quick email, although I don't recall exactly why I capitalized a word or not -- my sense was that decisions were still -- issues were still being discussed in the Secretary's

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office.

And I think exercising appropriately the proper humility of not announcing decisions of the chain of command, which was not my job to do, it was appropriate to characterize it as the Secretary and his principal military advisers are making these decisions.

Chairman Gowdy. Speaking of humility, some of us are trying to understand what precisely you were asking the State Department for: "-- we will ask State to secure the approval from host nation." What country were you talking about?

Mr. Bash. I don't remember if this was something that was discussed in the meeting specifically or if someone from the Joint Staff said, "Hey, we should talk to State about this," or how this issue came about. And I don't remember this element until the email was made public and I had a chance to look at it.

But my understanding is that there is a -- like a ministerial or bureaucratic process of -- that happens in parallel when you're deploying military forces -- of notifying a host nation. But I want to make clear, I don't want to leave any misimpression that that was never going to slow up the United States Department of Defense, that was never going to slow up any elements responding.

Mr. Shapiro. Which country?

Mr. Bash. I presume Libya. Although, I also later saw some email traffic in preparation for today in which the Joint Staff is working to secure some approvals from Spain as well. So it's possible that that was what I had in mind as well, but I --

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Chairman Gowdy. Did we already --

Mr. Bash. Sorry?

Chairman Gowdy. Did we already have an element in Spain?

Mr. Bash. The two FAST teams?

Chairman Gowdy. Yeah. So we would be asking them permission for what, to stay? To leave?

Mr. Bash. I'm a little bit outside of the lane of what I remember from that night versus what I remember from reviewing documents in preparation for today. But in preparation for today I saw some email traffic from Admiral Winnefeld and others talking about asking for approval for airlift to enter Spain, to marry up with the forces that were in Spain. And so that would have been subject to that same dip clearance process.

Chairman Gowdy. I'm more interested in what you knew before you sent this email --

Mr. Bash. Yeah.

Chairman Gowdy. -- than preparation for today or anything else. "-- we will ask State to secure the approval from host nation," and I am trying to figure out approval for what and from whom.

Mr. Bash. I don't remember what the bureaucratic process entailed specifically, but someone must have said let's have State do the request of the Government of Libya.

Chairman Gowdy. Is that a legal requirement that we secure permission from a host nation before we do something?

Mr. Bash. I don't know what the law states on that. I've not

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reviewed that recently.

Chairman Gowdy. If it's not a legal requirement, why were you worried about it?

Mr. Bash. I don't remember that I was worried about it or what generated that note to State colleagues. Someone must have referenced it. It wasn't something that I worked on most of the time. Again, in the context, this was a highly unusual crisis-oriented deployment --

Chairman Gowdy. I'm with you.

Mr. Bash. -- set of discussions.

Chairman Gowdy. I'm with you.

Mr. Bash. So in the ordinary course, it would not have been me communicating with State about the clearance issues, but something --

Chairman Gowdy. I'm not second guessing you, Mr. Bash. I can't imagine how frenetic it was. You have a missing ambassador, you have uncertainty, the President has said do everything you can, the Secretary of Defense has said deploy, you said you hurriedly wrote this email, but yet you took the time to say "-- we will ask State to secure the approval from host nation."

I'm just trying to figure out, given all those factors, why was it that important that you included an email that you were under a lot of pressure at the time you included it?

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[10:05 a.m.]

Mr. Bash. Because it was not my regular job to communicate with the State on clearance issues for the deployment of military forces. Someone must have suggested that we latch up with State on that issue.

Chairman Gowdy. Who at the --

Mr. Bash. I don't recall.

Chairman Gowdy. -- Department of Defense thought we needed permission to do that?

Mr. Bash. Well, I don't recall anyone saying that we had permission to rescue our people.

Chairman Gowdy. What does the word "ask State to secure the approval," what does that mean?

Mr. Bash. There was a -- there was a -- there's a dip clearance process that happens in parallel and does not, in my experience, slow down, and certainly would not have slowed down the arrival or the deployment and the arrival of U.S. Military Forces.

Chairman Gowdy. Well, "Please advise how you wish to convey that approval to us" is your next sentence, not we're going to do it no matter what the hell you find out. It is --

Mr. Bash. So we were going to do it no matter what the hell we found out.

Chairman Gowdy. Well, then why did you say that? Why did you say, "Please advise how you wish to convey that approval to us"? You've got a missing ambassador. You've got fire. You've got uncertainty. You've got a region of the world that is on fire. And you were talking

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about securing permission from host nations and how to convey that

Mr. Bash. Well, to clarify, what I was doing was informing State that we had forces that were prepared -- that were preparing to respond and that we were going to do that. There was an element of what in that process State had a role in doing, and that was a note in my email, as you noted that, as you noted, but I could just tell you from my recollection and the intent of the Secretary and what was discussed, there was no intent to wait on anything. And, in fact, nothing did hold up the deployment of forces in this regard.

Chairman Gowdy. We're not to that point. We're not to the actual deployment. I'm just trying to understand the picture between the time we learned what was happening in Benghazi until the time you sent this email, and you spent, near as I can tell, about as much space in your email talking about diplomatic permission as you did the spinning up of assets, and I'm just trying to figure out why.

Mr. Bash. I think the reason is because it was communication with State, and that was their element in this.

Chairman Gowdy. Well, I'm out of time, but the Secretary of Defense could not have been more clear that Secretary of State nor the secretary of Treasury nor the secretary of Health and Human Services are in the chain of command

Mr. Bash. Of course they are not in the chain of command. The chain of command, as I noted, goes from the President to the Secretary to the combatant commander. Even in the deployment of forces, in a routine matter as I described before, even in an exigent matter, like

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in a counterterrorism mission, there is coordination with other agencies. Would that ever stop, slow down, hold up, or somehow abort a U.S. military mission? Never in my experience and certainly not on that evening. So the fact that there was discussion with State --

Chairman Gowdy. I am with you, but "Please advise how you wish to convey that approval to us" certainly could suggest, to a detached observer, that something else had to happen. You can see how someone might take that from that sentence, right?

Mr. Bash. But that observation would be incorrect, and it's important for the clarity of the record and the completeness of the committee's review that people reviewing this matter understand that nothing slowed down the United States military response with regards to what happened in the Pentagon that evening.

Chairman Gowdy. Am I out of time, General?

Mr. Chipman. Sir, we've reached the first hour in.

Chairman Gowdy. Thank you.

Mr. Chipman. Off the record, please

[Recess.]

Mr. Jordan. All right. I'm going to try and move quickly then. Okay. So Mr. Bash --

Mr. Shapiro. Sir, I'm sorry. I don't think we're on the record yet. Are we?

Ms. Betz. Yes.

Mr. Shapiro. Oh, sorry.

Mr. Jordan. So tell me where you were getting your information

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on the night of September 11.

Mr. Bash. With regard to which specific time of the --

Mr. Jordan. That night, were you getting information directly from personnel in -- walk me through the way you -- how you were getting your information, wherever you were getting it.

Mr. Bash. As I stated previously to the chairman, the first reports came in as the Secretary of Defense was preparing to leave for a meeting with the President.

Mr. Jordan. All right.

Mr. Bash. That report came from General John Kelly, who is the senior military assistant to the Secretary of Defense, and he normally -- his practice was to be in touch with folks from the Joint Staff and probably the National Military Command Center.

Mr. Jordan. Okay. And were those people getting direct reports from folks in Tripoli?

Mr. Bash. I don't know.

Mr. Jordan. Were you getting any direct information from -- at some point that night, there was a Predator drone from over top. Were you getting any information from the drone?

Mr. Bash. I don't remember at all getting any information about the Predator or the content of the information that was collected by the Predator.

Mr. Jordan. How about directly from State Department?

Mr. Bash. At some point that evening, there was a secure video teleconference -- secure video teleconference, SVTC, that included

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State Department and other officials from the interagency.

Mr. Jordan. Right.

Mr. Bash. Organizations, departments, and agencies.

Mr. Jordan. What time?

Mr. Bash. And -- excuse me?

Mr. Jordan. What time was that?

Mr. Bash. From reviewing some of the material to prepare for today, I see that the SVTC began around 7:30 p.m. I don't remember --

Mr. Jordan. Okay.

Mr. Bash. -- exactly what time I joined --

Mr. Jordan. Were you part of that?

Mr. Shapiro. Were you part of it?

Mr. Bash. Was I part of it? Yes.

Mr. Jordan. Okay. Who else was there?

Mr. Bash. From the Department of Defense or the general?

Mr. Jordan. General.

Mr. Bash. I want to be precise in what I remember versus what I had my recollection refreshed from when I looked at some materials in preparation for today, so I'll start with the former.

Mr. Jordan. Uh-huh.

Mr. Bash. I remember that there were folks from the State Department on the screen, and I remember at some point Secretary Clinton joined the video teleconference.

Mr. Jordan. Was Cheryl Mills?

Mr. Bash. I recall Cheryl Mills, the chief of staff, was one of

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the State Department officials there. I think that --

Mr. Jordan. Jake Sullivan?

Mr. Bash. I don't remember if Jake was there. I think I remember that Wendy Sherman, the Under Secretary, was there, and at some point the Secretary of State joined, and then just to complete the answer, the -- you asked who is else was on there?

Mr. Jordan. Uh-huh.

Mr. Bash. I have a recollection that there were others from other agencies and departments, but I don't remember -- I didn't remember specifically who now in preparation for today. I have seen more detail about the manifest of the secure video teleconference, and I have a better sense of who was on it.

Mr. Jordan. Any discussion of the video in that SVTC?

Mr. Bash. Which video?

Mr. Shapiro. The Predator video?

Mr. Bash. Predator video?

Mr. Jordan. Excuse me. The video -- that video that was supposedly the spontaneous video that prompted the protest and prompted the attack.

Mr. Bash. I don't remember the video per se being discussed on that SVTC. I can tell you when -- or I can tell you how the video came about in other conversations.

Mr. Jordan. Okay. We'll get to that. Any discussion of Mitt Romney on that -- in that SVTC?

Mr. Bash. I don't remember any discussion of Mitt Romney.

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Mr. Jordan. Okay. Any discussion of the 1008 statement that went out later that night?

Mr. Bash. Could you be more precise and tell me which statement?

Mr. Jordan. The 1008 statement that went from the State Department and became the official statement of our government that night, any discussion of a statement that was going to be put out by our government that the State Department would draft?

Mr. Bash. I don't remember if that was discussed.

Mr. Jordan. Okay. I'm going to switch gears, and I know our time is limited. I know that in the last hour -- well, let me ask one other question.

Any discussion of military assets going to help where they would have to go in civilian attire versus uniform?

Mr. Bash. I don't remember that issue being discussed. I don't know that it wasn't. I just don't remember it.

Mr. Jordan. Okay. I know you spent the last hour, I'm talking about the chairman, on the email that we have called the spinning up email, and you talk about assets are being -- are spinning up as we speak, forces that could move to Benghazi. Tell me those forces again, real quickly, if you could.

Mr. Bash. As the DOD timeline notes, there were four elements that the Secretary of Defense ordered deployed to respond to the crisis. They were the two FAST teams operating out of Rota --

Mr. Jordan. Okay.

Mr. Bash. -- stationed in Rota, Spain.

[redacted]

[redacted]

Mr. Jordan. Yeah.

Mr. Bash. The Commander's In-extremis Force that was in Croatia.

Mr. Jordan. Right.

Mr. Bash. Training force on a training mission, and the --

Mr. Jordan. [redacted]

Mr. Bash. [redacted]

Mr. Jordan. Where were they going?

Mr. Bash. Well, they were going to Libya.

Mr. Jordan. They -- so the orders -- so the orders were given to go where?

Mr. Bash. I want to rely a little bit on what Secretary Panetta and Chairman Dempsey have testified to previously. They were -- my recollection is they were ordered to respond to the crisis but that there might have to be some places where they stage from an intermediate staging base, and as I think the timeline notes and the other public information about this notes, one of the station bases was going to be Sigonella.

Mr. Jordan. Okay. So they were ordered to go to Sigonella, or they were ordered to go to Libya?

Mr. Bash. Well, they were ordered to respond to the crisis in Libya but that they might have to stage out of an intermediate staging base.

Mr. Jordan. And was that the initial order?

[redacted]

[redacted]

Mr. Bash. The orders were: Deploy the forces that can respond to the crisis.

Mr. Jordan. Okay. Now, did those orders change at anywhere in the night? So, in other words, was the initial order "take the hill," the initial order was given some time between 6 o'clock and 7:19, where they initially said to -- ordered to go to Libya, and then did that change?

Mr. Bash. Well, you asked a couple of questions in there. I just want to unpack it a little bit.

Mr. Jordan. Uh-huh.

Mr. Bash. You said the initial orders were given between 6 o'clock and 7:19. My recollection, I was there, was that there was a rolling meeting in the Secretary's office with the Secretary and senior military officials. Over the course of that roughly 2-hour timeframe that the meeting was happening, we were getting different intelligence, different information, and different information about the readiness and possibility that certain forces could respond.

At some point that evening at -- after those meetings with the Secretary and senior military advisors, the orders were formally transmitted. I had stepped out of the meeting at some point shortly after 7:00, or you know, 7:15, I don't exactly remember when I stepped out, but at some point, maybe about an hour or something change, and I stepped out, so there might have been conversations that happened in the meeting that I didn't hear. I knew that the intent of the Secretary -- worked from for awhile was we were going to deploy

[redacted]

[redacted]

everything, move everything as fast as we could to try to rescue our people in Libya.

Mr. Jordan. Yeah. Forces moved to go to -- the order is forces move to go to Benghazi. No forces ever get to Benghazi. I'm asking, did the order some time change? So it's: Go to Benghazi to save and to help.

No one ever gets to Benghazi, and only one of the four forces deployed ever actually gets to Libya.

Mr. Bash. Now, your characterization is correct about who landed where and when, and that's exactly what happened. As the timeline notes, all U.S. personnel were evacuated from Benghazi before any of the elements that were deployed could arrive there.

Mr. Jordan. I'm not asking that. I'm saying when they were sent, were they sent to Benghazi, or were they sent to Libya?

Mr. Bash. [redacted]

Mr. Jordan. I know where they went. I'm saying, did that change? Was the initial order to go the Libya, and at some point in the night, did it change? And if it did change, why?

Mr. Bash. Did the -- I don't think the order changed, if that's your question.

Mr. Shapiro. That's the question

Mr. Bash. Yeah. I don't think the ordered changed, no.

[redacted]

[redacted]

Mr. Jordan. Okay. Did it slow down? Was there a slow down -- so the order initially was, when you sent the Special Operation Forces, one from Croatia and one from the United States, they knew that they were getting on a plane and not going directly to Libya?

Mr. Bash. I can't speak to what they knew.

Mr. Jordan. Was the order not to go directly to Libya?

Mr. Shapiro. For those two units?

Mr. Jordan. Yeah.

Mr. Bash. [redacted]

Mr. Jordan. Yes.

Mr. Bash. The order was: You're going into Libya because we have a potential situation where we have an Ambassador potentially being held hostage, and we might have to stage a hostage rescue.

The planning for that included them landing at an intermediate staging base, so that I believe they could unload and stage the assault force that might be necessary.

Mr. Jordan. Your testimony is that they definitely knew -- the order was definitely at the start to go to an intermediate staging base? That was definitely part of the initial order?

Mr. Bash. The order, as I recall, wasn't -- didn't incorporate where our forces would stage at or where they would unload. It was -- the order was: Deploy to rescue our people in Libya.

There were aspects of the -- I guess the execution of the order that, based on the advice of the senior uniformed military, which

[redacted]

[redacted]

included use of intermediate staging bases.

Mr. Jordan. Okay. I know our time is short, and I don't want to -- I'm going to -- can I -- can we just stop for 1 second?

[Discussion off the record.]

Mr. Jordan. All right. Did you speak with -- speak with Cheryl Mills and -- that night, the night of the attacks, Mr. Bash?

Mr. Bash. She was on the secure video teleconference, and so we were both on that. I don't remember if I spoke to her separately from that.

Mr. Jordan. So that was the only time you spoke with her that evening?

Mr. Bash. I don't remember if I spoke to her separately from that.

Mr. Jordan. Don't remember? Is it likely you did? She's the chief of staff of the Secretary of State and you're chief of staff with the Secretary of Defense.

Mr. Bash. I don't remember if, separate from that secure video teleconference, I had a separate conversation with her.

Mr. Jordan. Did you speak with Jake Sullivan that night?

Mr. Bash. I don't remember if I had a separate conversation with Jake.

Mr. Jordan. So he was in the SVTC?

Mr. Bash. I don't remember if he was or not.

Mr. Jordan. So you had one conversation with him that night, but you don't know if you had more?

Mr. Bash. I don't remember if I had a conversation with him that

[redacted]

[redacted]

night.

Mr. Jordan. Okay. Anyone else in the State Department you spoke with that evening?

Mr. Bash. I don't remember talking to folks -- I don't remember who I talked to that evening from the State Department, if anybody, other than from the call, the conference call.

Mr. Jordan. Okay.

Mr. Bash. Secure video teleconference

Mr. Jordan. You had some email exchanges with Ms. Mills and Mr. Sullivan that night, correct?

Mr. Bash. The email that you previously referenced, yes.

Mr. Jordan. And you have another one from where one it's from Jeremy Bash to Jake Sullivan, subject matter, "Any word from the hospital."

Mr. Bash. I'm sorry, I'm not seeing that.

Mr. Shapiro. We don't that, sir.

Ms. Betz. Exhibit 3.

Mr. Chipman. Exhibit 3.

Mr. Jordan. Are these the only two, the spinning up email and this one, are these the only two times you communicated with the State via email that night or were there other?

Mr. Bash. I don't know if there were other communications. May I ask about exhibit 3? Is this redacted, or is this the only -- is the only words in the email the subject line?

Mr. Jordan. My understanding, the email is as it appears, but

[redacted]

[redacted]

yeah, as it appears.

Mr. Bash. Okay. Shall I provide context on the "Any word from the hospital email"?

Mr. Jordan. That was my next question.

Mr. Bash. I remember on the SVTC, one of the things that came up was the Secretary of State came into the meeting room on the screen, and at some point in the conversation, somebody passed her senior team and I think her a note or gave her some information that -- and then she -- she kind of told folks what the substance of the message was, and it was that a blond-haired individual had been found at the hospital. And I remember her saying, and I think others saying, well, that must be Ambassador Stevens, you know. We know Chris. We know what he looks like, and how many blond-haired people are kind of running around Benghazi, Libya, who might be in the hospital that evening. And they didn't specify whether he was a live, dead, injured, or what. I left that set of meetings with the impression that he was injured but not dead.

Mr. Jordan. Uh-huh.

Mr. Bash. And, actually, I didn't find out that he had died until, I think, early the next morning. So I hadn't previously seen this email until just this moment, but it strikes me that I was checking with Jake to see whether or not they got any definitive word from the hospital about whether that was Ambassador Stevens.

Mr. Jordan. You were checking because you were on notice that the Ambassador's body had been found. Whether he was alive or dead, you

[redacted]

[redacted]

did not know, but that was communicated to everyone on that SVTC at 7:30?

Mr. Bash. Yes, and I want to be very precise. I wasn't given information that the Ambassador was at the hospital. I was giving information that someone who potentially matched his description.

Mr. Jordan. But it was your understanding that was likely the Ambassador?

Mr. Bash. That was what the State Department folks suggest -- hypothesized onto everyone on the conference call, and so I was keenly interested in that.

Mr. Jordan. Okay. Did you do any of the preparation for the background press briefing that Department of Defense did on September 12th? I believe it was Mr. Little who gave that. Did you participate in that, the briefing part, the background of the press release, did you participate in preparing him for that, or did you participate in the actual briefing itself?

Mr. Bash. I don't remember.

Mr. Jordan. There was a background press briefing given on September 12th?

Mr. Bash. I don't recall that.

Mr. Jordan. Okay.

Mr. Bash. I'm not saying there wasn't. I just don't have a memory of it.

Mr. Jordan. Okay. I think we're out of time.

Mr. Chipman. Off the record, please.

[Discussion off the record.]

[redacted]

[redacted]

Ms. Sachsman Grooms. Let's go back on the record.

EXAMINATION

BY MS. SACHSMAN GROOMS:

Q Mr. Bash, I wanted to reintroduce myself. My name is Susanne Sachsman Grooms. Before I start asking you questions today, I think in the last round, there were a number of very specific questions about the force laydown and military issues. I think we, as a Congress, have received quite a bit of information about that, and we, as a committee, were transmitted that information that has been provided to us through numerous transcribed interviews and testimony of not only Secretary Panetta, but in more specificity, General Dempsey and Mr. Roberson who I think --

A General Roberson.

Q General Roberson, who I think is a J-3 that you were sort of referencing in transcribed interviews.

Ms. Sachsman Grooms. So what I wanted to put into the record as exhibit 4 is the Department of Defense posture laydown.

[Bash Exhibit No. 4

Was marked for identification.]

Ms. Sachsman Grooms. And this is a document that was turned over to HASC, and therefore, we -- and HASC provided it to us. It has all of the potential military forces in the entire region with both the end times and the transit times, so that's information that we, in fact, have.

Then I also want to pass out to you, just so you can use it later,

[redacted]

exhibit 5, which is going to be the letter that the Department of Defense provided to the chairman of the Armed Houses of the House, Chairman McKeon, with the Department of Defense timeline.

[Bash Exhibit No. 5

Was marked for identification.]

Mr. Bash. Yeah.

BY MS. SACHSMAN GROOMS:

Q I think you referred to it quite a bit during the previous round, and so I just wanted to put that into the record. That would be exhibit 5.

I know we're asking you a lot of questions today about stuff that happened a number of years ago, and that -- and that, to some degree, it appears that you're relying relatively heavily on the Department of Defense's timeline that it created for Congress a number of years ago. Is that accurate?

A This was produced, I think, in the weeks and maybe days, weeks, maybe months after the events of September 11, 2012.

Q Uh-huh. I think you also were asked a number of questions sort of specific to military operations. Can you explain to us, as chief of staff to the Secretary of Defense, what your responsibilities were with regards to the military response on the night of the attacks?

A Well, that night, as I noted, he had the benefit of the chairman's advice, the vice chairman's advice, and it turns out that the combatant commander where the events were happening of that specific area of responsibility, commanding General Carter Ham, who

[redacted]

was the commanding general of U.S. Africa Command, happened to be in the Pentagon. He also had a senior military assistant, lieutenant general at the time, now General John Kelly, who is now the U.S. Southern Command commander until tomorrow, and others.

And so, you know, I would say that the Secretary had the principal military advisers to him there that evening at his disposal, and so my role as a advisor on military issues really was marginal to their central role. That's not the civilian chief of staff's job to advise on what forces are available to be deployed, for example.

Q Sure. So you were not the operational military advisor on the scene that night?

A No.

Q And you're a civilian?

A Yes.

Q And you had worked for Secretary Panetta as his chief of staff at the CIA also. Is that right?

A Yes.

Q Is it fair to say that your job as the chief of staff is more of a -- that night, in terms of these issues, was more a liaison role?

A No, I would say my responsibilities, including providing the Secretary whatever support he needed to carry out his statutory responsibilities, that including -- that included participating in the discussions. That included advising him on matters, and that included liaising with others in the interagency.

[redacted]

[redacted]

I want to just clarify one thing, which is that earlier today, earlier in the interview, we talked about the way things happened in the normal course, and then we kind of talked about the ways things happened in more of a crisis situation to do a hostage rescue or a counterterrorism mission. And then there was this third bucket, which was the realtime crisis where there was no playbook, and in this situation, this third bucket, some of the players weren't there.

So, for example, normally the individual that would take the lead on interagency discussions would be the Under Secretary of Defense For Policy, a Senate confirmed senior executive civilian official who was a direct report to the Secretary of Defense. That individual was not in the Pentagon that evening, and so I tried, as best as I could, to sort of step in the breach and participate in the interagency and do the latch up with others around the government because it was a crisis and because just to try to cut through any bureaucracy, even if we could just save 5 or 10 minutes, if I could reach out directly and have conversation or discussion with others, I was going to do that.

Q And that was Mr. Miller that you're referring to?

A Dr. Miller.

Q Dr. Miller. And Dr. Miller was out of the Pentagon with a family issue. Is that accurate?

A Yes.

Q And I think we saw email communication showing that Dr. Miller sort of latched back up with you later that evening when he was able to. Is that accurate?

[redacted]

[redacted]

A I saw that email as well.

Q When Secretary Panetta -- we understand, from Secretary Panetta's prior Senate testimony, as well as what he has told us, and I think the chairman sort of alluded to this also, or described it also, that when he returned from the White House, he conferred with those senior military officials, that included General Dempsey, General Ham to discuss the response options for Benghazi, that they made a recommendation, and that he immediately ordered them to act on that recommendation and moved forces.

And he was very clear, and I think the chairman described this the same way that I recall it, that he told them not just to prepare the forces to move but to actually move the forces and take the hill. Is that consistent with your recollection?

A Yes.

Q And Secretary Panetta was also very clear that the authority to make the decision to move the forces was his and his alone and that he moved the forces that were under his authority. Is that consistent with your recollection?

A Yes.

Q Secretary Panetta explained that the only person who could have overruled his order to move the forces was the President of the United States and that he's certain that the President did not do so, and in fact, that the President's orders and directions were entirely consistent with the orders that he in fact issued, "he" meaning Secretary Panetta. Is that consistent with your recollection also?

[redacted]

[redacted]

A Yes. And I would just add, no one could have and no one did overrule the Secretary of Defense's orders and nothing slowed down the deployment of U.S. Military Forces to try to rescue our people.

Q And Secretary Panetta's order to deploy forces, that would not have been given to you. It would have been given to the generals that were in the room. Is that accurate?

A Generals and admirals, general officers and flag officers, yes.

Q And the generals and admirals would then have been responsible for fulfilling those orders. Is that accurate?

A Yes.

Q And so even if we were working off of the assumption that you had not heard them or that you had entirely misunderstood them, would that have affected the actual orders and their enforcement in any way?

A No. I was not in the chain of command. That position is certainly not in the chain of command, and as a staff element supporting the secretary, and an order that he gives, whether it's in a regular deployment order situation or in the counterterrorism situation or in a crisis situation, those get directly executed to, via the combatant commander, down to the element in the unit.

Q So if you had stepped out of the room when he made the order, if you had misunderstood that he was still debating over the order, but he had actually already given the order, that wouldn't have made any difference. Is that right?

[redacted]

[redacted]

A It certainly wouldn't have made any difference in the execution of the order, and actually, if I could just go a little further here, I mean, I think -- let's think about just the timeline, and let's imagine for a moment that this is sort of a "what if" kind of a Monday morning quarterback exercise that I'm -- that I want to think through here, but I think it's useful, [redacted] So let's posit that. Let's posit that that unit was actually co-located with aircraft that could take them to Libya because obviously they can't fly a helicopter from Spain to Libya. So let's posit that that was the case, even though we now know that it was not the case.

[redacted]

Then that force would land at the airfield in Benghazi and have to unload and stage a assault or counterassault. By that time, as the timeline notes, the attack on the Annex, in which we lost the second group of two Americans, had occurred like 2 hours previous. So even had this succession of miracles occurred and the meeting time was shrunk down twice as fast as it actually was [redacted]

[redacted]

[redacted]

[redacted] and the aircraft is co-located, what we now know -- of course, we didn't know at the time -- but we now know that they would not have gotten there to prevent the loss of life.

And I just -- I want to mention that because I've gone through the sort of heart-wrenching, gut-wrenching exercise of thinking, is there anything we could have done that night to go faster? Is there anything that we could have done in the little world that we controlled here in the Pentagon of accelerating all the activities and actions, and I just -- I've come to the conclusion, and I think Secretary Panetta has said this publicly and has written about this, that we tried. We did our very best. We did our dead level best, but that it turns out that the tyranny of time and distance did not allow us to respond in time to save those four Americans.

Q I appreciate that, although you did sort of posit a number of hypothetical then situations that actually were not the case.

A Right. And so I just -- I state that because now we have the benefit of hindsight. We know actually what the facts were.

[redacted]

[redacted] We know that the aircraft was not co-located. We know that the meetings did occur over the course of 2 hours as opposed to 1 hour, so I just -- I only flag it because I think when people say, well, the Secretary gave an order at 7:00, that means you could posit, if he had, if he had, if this happened, or if this happened, that still doesn't get our forces on the ground in time to save those four Americans.

[redacted]

Now, again, we didn't know it at the time, which is why everyone was moving with all deliberate speed, but with alacrity to the objective, and that's, I think, the cornerstone of responsibility of any U.S. Government official in a crisis like this, which is why we carried out that duty in that fashion, but I just want the record to be clear that even had those things been in place that people are suggesting could have been or should have been, that would not have gotten our military there in time to save the four Americans.

Q So consistently with the statements that Secretary Panetta gave about his order to move forces, General Carter Ham, who would have been in the room and you describe being in the room, he's also testified repeatedly to that sequence of events. On June 26, 2013, he described to the House Armed Houses Committee, and I quote, "The Secretary of Defense gave me clear direction at the outset, you know, to deploy forces, again in anticipation that the first mission was potential hostage rescue of the U.S. Ambassador, recovery and evacuation of wounded and other persons from Benghazi." Is that consistent with your recollection?

A Yes.

Q General Ham further explained to the House Armed Houses Committee and the Oversight and Government Reform Committee in a transcribed interview on April 9th, 2014, when he was re-interviewed, that, and I quote, "my recollection is, in one of my earlier conversations with the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, I had asked for and was approved for the alert

[redacted]

notification and deployment of the Commander's In-extremis Force and the fleet antiterrorism support, so my recollection is that the Secretary gave verbal approval shortly after the attacks began, and then a formal written execution order came sometime after that, but the wheels had already been put in motion."

Is that consistent with what you described to us?

A Yes.

Q And General Ham further stated in that same interview that, and I quote, "but in the conversation with the Secretary of Defense, with the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, as all of us were, trying to gain better understanding. His basic guideline to me is, what do you need, and he gave me every force that I asked for."

Is that consistent with your recollection?

A Yes.

Q Were there any forces that General Ham or General Dempsey suggested using that Secretary Panetta refused to authorize the use of?

A I am not aware of any forces that were identified that could possibly or potentially respond that were not employed -- not deployed. Sorry.

Q Why don't we go to the email that we spent quite a bit of time on, exhibit 2, in the last round. So in the last round, you explain that you wrote this email in the middle of a lot of different things going on, and it sounds like, I think you described it, you banged

[redacted]

[redacted]

it out. Is that right?

A Yeah, I mean, it's a crisis. You're moving fast. You're trying to do everything you can to latch up with others in the interagency. I think -- I had the opportunity to work in Congress with some folks like Phil and Chris on the lessons learned from 9/11. And the shorthand was that there was a lot of dots that were unconnected, and the agencies weren't talking to each other. And so when I came to the executive branch in 2009, I always kind of thought to myself: All right, let's not forget these lessons, and let's try to communicate as much as possible to others in the interagency. Even if it's not the right protocol, the formality, just cut through all that and just try to tell people what's going on.

And I try to do that a lot. That was part of my role and responsibility, and I think the email latch up with State reflects that.

Q And in the last round, we spent a bit of time over the sort of difference between the word "was," which I think more accurately you said would have been -- you would have used the word "is," and it appears that in a number of places here in this email, you know, you might not have used exactly the terms you would have used if you had thought about it for some time. Is that accurate?

A Yeah. That's right. I think just thinking now for a moment about the "was" and "is," which is something I hadn't focused on before, they were training in Croatia. That's kind of the reason they were there, and so maybe these are past tense was to suggest that they had gone to Croatia to do this training but that they are now

[redacted]

[redacted]

potentially available. It wasn't to suggest that they had left Croatia or left Croatia behind. It's just that they were sent to Croatia for the purposes of training.

Q Is it fair to say, when you wrote the email, you weren't spending a lot of time looking at each word and trying to make sure that it was perfect?

A That's very fair, as evidenced by the fact that I misspelled "Rota."

Q And that --

A Embarrassingly.

Q And that while you were trying to be accurate, you were -- you know, is it fair to say that there might be some stuff in this email that is not accurate?

A You know, when you're operating in a crisis and American lives are on the line, I don't think people stop and make their emails as polished as can be, nor would we want them to. And I actually didn't even remember this email until it was surfaced in the public domain and started trending on Facebook. And I got calls from my siblings and nieces and nephews saying, Hey, what is this? And I didn't even remember having this. I mean, the events of that night were kind of a blur in many respects.

I remember some fundamental elements of it, which I've talked to the chairman about, and certainly remember that -- the key points that Secretary Panetta has written about and talked about publicly. So it shocks me now that all that -- that email I wrote contained errors,

[redacted]

[redacted]

misspellings, incorrect capitalizations, and words that may not have -- be totally precise.

Q Can you describe, to the extent that you remembered or you've been refreshed by it, what the general point of the email was?

A To latch up with the State Department on the United States military's response to a situation in which a U.S. diplomatic facility was being assaulted and attacked and the potential hostage rescue of a missing U.S. Ambassador.

Q You were just trying to tell your counterparts at State that you guys were moving forward and doing what you could?

A Yeah, they were going in to get America's people. They're the United States Department of State. They're the ones who have people overseas, in addition to other agencies and departments, and the word that we got was that it involved a U.S. Ambassador. I don't recall at the time hearing about other agency personnel or other intelligence community elements in others. I think that's something that I learned about later, and it's possible, again, Monday morning quarterbacking, that had I known about that, I would have reached out to those people as well. I used to work at CIA, but from what we knew at the time was that an ambassador was unaccounted for.

Q And I think you were asked in the last round about how the email reads to a sort of detached outside observer. Did you have any sense that when you were writing it or sending it, was your audience ever going to be a detached outside observer?

A Of course not.

[redacted]

[redacted]

Q Your point was just to communicate some information as it was evolving over to the State Department. Is that right?

A Some realtime information about a crisis to senior leadership of the United States Department of State about it, about a U.S. military operation to go help our people. That's it.

Q And is it fair to say that even if your boss had already said, in a room where you were, "go forth with all deliberate speed, deploy those forces," but that you knew the meeting was still ongoing, that in order to not get essentially in front of your boss, you would have fudged the language a little when you sent it over to State?

A Yeah. And as I noted earlier, and for those who -- I apologize if this is repeating, but you know, my mode, and I think I got this sort of from my training on Capitol Hill, where I used to tell staff members of the House Intelligence Committee, when I was chief counsel, the first rule of being a staffer to a Member of Congress is you're not the Member -- you're staff -- and don't announce things for the Member before they do, and don't get ahead of your Member.

So I think my mode and my practice has been, in my government service, has been to be circumspect and be appropriately judicious in announcing things certainly about the deployment of military forces in a crisis, and I just know that's my style, and that, I think, is reflected here.

Q And you use the term "spinning up." Is that a colloquialism in the Department of Defense?

A It's jargony. I don't know if I heard it first in the IC

[redacted]

[redacted]

or in DOD or where. But, unfortunately, jargon is bludgeoned into everything that you do at DOD. But, again, to clarify, and for the completeness of the record, what I meant -- I think what I meant, as best as I can recollect, is that people were always preparing. They weren't -- it wasn't some Hollywood moment where it's the Secretary stands up and says, "I hereby order," and then people who didn't hear anything about this situation start to move from a cold start.

There had already been a lot of conversations. And, in fact, I can recall Admiral Winnefeld, the Vice Chairman, coming into discussions and sort of saying, all right, we've reached down -- down range to these people, and these people -- these elements can respond. We talked to the -- you know, we talked to -- I'm assuming this is -- was sort of the conversation. I don't remember the exact words. [redacted]

We weren't the only ones having conversations about these questions in the Department of Defense. So the clear sense that I got from even just an hour and change into that meeting is that people were already getting ready, people were already getting ready, and that was good and appropriate because the minute they had the capability to go, they would go.

Q And while the Secretary of Defense early on in the conversation ordered, you know, deploy forces with all deliberate -- go, take the hill, there are, in fact, a number of

[redacted]

complicated and sort of detailed pieces that go into which forces and how, and you know, how to get the plane to the right place and how to get it fueled. Is that sort of an accurate description?

A Yeah. I mean, the conversation is truncated into deploy, but it's obviously a much richer, more complicated conversation, which there was discussion around the table by the senior uniform military leadership of the Department of Defense about what the elements have, what they can do, what the range of aircraft is, what their capabilities are, how much time they could be in a location, all the things that you would expect to be part of the discussion, the evaluation of the risk to the force, the risk to the mission, all the criteria that's usually very well long discussed and thought through and analyzed and there are slides upon slides about it in the regular course. This is all truncated into like, you know, 2 hours.

Q So I'm sure you've seen a number of -- a number of individuals who sort of commented about your email. That's exhibit 2. There's a Fox News story that claimed that, and I quote, "the revelation appears to contradict testimony Defense Secretary Leon Panetta gave lawmakers in 2013 when he said there was no time to get forces to the scene in Libya."

To your knowledge, does your email contradict Secretary of Defense Panetta's previous testimony? Does it identify any military assets that he had not already testified about before the Senate in 2013?

A The email is totally consistent with what he testified.

Why do I say that? Because the Fox News reporter, wherever the report came out, I don't remember it being Fox, but it said that the Secretary said that we could not get forces there in time, but then they lopped off the second sentence -- part of the sentence of this, but we tried. The email shows we tried. We had forces getting ready, and they were going to be deployed.

They were -- we were on the move, and the orders went out, and they did move. Now, we can have a conversation at some point about the N+ times and the marrying up with aircraft and their arrival, which I think is an important part of that to complete the record, but on his particular statement that we couldn't get forces there on time, if you just stop listening to the rest of this testimony, you're left with the impression we didn't try, but of course, we did.

Q And Judicial Watch, which released the email, stated that it, quote, "leaves no doubt military assets were offered and ready to go and awaiting State Department signoff, which did not come," end quote.

When you wrote the email, did you intend to state or imply within it that the State Department needed to approve or sign off on the deployment of military assets?

A Of course not. I think the Secretary has written about this and has testified about this, and the Chairman's testified about this. The assets were identified, they were deployed, and they went. They -- we now know, in hindsight, how far they got.

Q And sometimes Principals, in a capital, refers to the

Principals Committee, which is obviously an interagency group, when you wrote the email, did you intend to state or imply within it that members of the President's Principals Committee needed to approve or sign off on the deployment of military assets?

A That's not the way -- no. The answer to your question is no.

Q And did Secretary Panetta ever say or do anything to indicate that he did not want military officials to do everything possible to help the State Department personnel on the ground that night in Benghazi?

A On the contrary, he stated and directed that everything be done within the power of the United States military to help our people.

Q During the Senate hearing, February 7, 2013, where Secretary Panetta and General Dempsey testified about the forces, Secretary Panetta ordered to move on the night of the attack. General Dempsey explained, and I quote: "I want to make just one comment related to your chronology because I think it's important. Once we started moving forces, nothing stopped us, nothing slowed us. The only adaptation we thought about making was for a period of time we thought we were going to be entering a hostage rescue because we didn't know where the Ambassador was, but once we started forces moving, they don't slow, they didn't stop," end quote.

Do you agree with General Dempsey that once the forces were moving, they never slowed or stopped?

A Obviously, at some point, they did stop, I mean, just to

[redacted]

be completely accurate. But if the implication is that some outside force or either enemy force or a U.S. Government official told them to stop or told them to stand down or told them to wait, that never happened. That did not happen at all.

Q And they didn't stop until after the U.S. personnel had been evacuated from Benghazi. Is that right?

A All U.S. personnel -- my understanding from the timeline is all U.S. personnel had been evacuated from Benghazi before any outside non-Libya based U.S. military element actually arrived in Libya.

Q And in that same testimony, General Dempsey stated something that I think you referred to earlier about the difference between prepared to -- the lack of a difference between prepared to deploy and deploy.

He said, and I quote: "If I could just help with that one, Senator, the process as you tell the unit to prepare to deploy, when they report readiness, you tell them to move, that's just a piece of the process. There was nothing that held them up."

Is that your understanding of the concept?

A Yes. And I've heard commentary or questions about, well, was there a second go order required, no. Once the deployment order is issued, no second deployment order is issued.

Q And, General Dempsey, you've already said, was in the room with Secretary Panetta to receive the order to move the forces directly, right?

[redacted]

A General Dempsey was in the room? Yes.

Q And General -- and General Dempsey and Vice Chairman Winnefeld, who was also in the room, would have moved immediately to work with the military chain of command to implement those orders. Is that accurate?

A My recollection is that they were in constant touch with the Joint Staff and the National Military Command Center to execute those orders.

Q But that wouldn't have been your role. Is that right?

A That would not have been my role.

Q So there have also been questions about -- there have been questions about country clearance and whether military response was delayed because of country clearance. Congress has interviewed --

A There was not.

Q Yes. Congress has interviewed the defense attache, who is a senior defense official on the ground in Libya on the night of the attack, and he told us, and this would be back in January 2014, before the Select Committee existed, that the Libyan Government had approved the flight and that he had communicated that fact to the deputy chief of missions in Tripoli.

He stated, and I quote: "We had a green light from the government of Libya to bring it in. It's just a question of when we're going to know the specific information that goes into a standard flight clearance request," end quote.

During Secretary Panetta's hearing with General Dempsey, General

[redacted]

Dempsey stated that even if he had not received country clearance, he would have acted. He stated, and I quote: I want to assure you, had we been able to -- there has been a whole bunch of speculation about were we risk-averse -- we needed a country's permission to come in. If we had been able to get there with anything, we would have gone in there under the command of the Commander of U.S. Africa Command." Do you have any reason to doubt General Dempsey's statement that he would not have waited for country clearance if he had been able to go in and save lives?

A I have no reason to doubt that. I think the Chairman of the Joint Chiefs' statement on that is correct and is consistent with my understanding.

[redacted]

[redacted]

[11:15 a.m.]

BY MS. SACHSMAN GROOMS:

Q But, certainly, there was an effort to get country clearance as part of the sort of requirements of The Hague Conventions. If it was possible to get it, you wanted to get it? Is that an accurate understanding?

A You know, I don't really remember that looming large in the discussion. Most of the discussion was about the military efforts. There was some conversation with State about that dip clearance issue, and I had since reviewed some email correspondence with Admiral Winnefeld in which he talks about dip clearance issue for the U.S. Forces to go and stay in Tripoli for an extended period of time and for aircraft to reposition from elsewhere in Europe into Spain. But that's not to suggest that that would stop, slow, veto, or in any way compromise our ability to stage a rescue, a hostage rescue or any other rescue if we had the ability to do that. It's impossible to prove the negative, and so that's why I understand why this theory or concern proliferates, but we didn't not do something because that issue was unresolved in some way.

Q And did the statement from General Dempsey that he would have gone in regardless of country clearance, depict the sentiments through out the State Department the night of the attacks, that you all were passionate and determined to get whatever resources you could to Libya that night to protect and stabilize?

A I mean, who wouldn't be?

[redacted]

Q Was protecting American lives the top priority for you and everyone you worked with and spoke to that night?

A Every day, and certainly on that day.

Q And does that include everyone you spoke to at the Department of Defense?

A We are making sweeping statements here, but everybody that I worked with and in the United States Department of Defense, to include the senior uniform military and others, had one objective that night, which was to do everything we could to try to save our people.

Q And I understand you were on the SVTC and you had some communications throughout the interagency. Was that also the primary objective of everyone else that you had communications with throughout the interagency that night?

A That was my impression, yes.

Q There have been a lot of sort of questions and theories over the years that speculate that there were more resources that weren't sent to Benghazi on the night of the attack. And they imply that you or other officials within the military or the interagencies had resources at your disposal that you chose not to send. Can you respond to that?

A That's false. And as Secretary Panetta and as Chairman Dempsey and as other senior officials have spoken about multiple times to Congress and to the public, and Secretary Panetta wrote about in his memoir, any available unit, asset, with the ability that could respond to the situation in Libya that night was deployed. The force

[redacted]

posture laydown that you referred earlier delineates the transit times, the N+ transit times, and although this is somewhat hard to decipher for an average observer -- because there are a lot of acronyms and unit names and shorthand on the slide -- I think if we were to translate this into English, it would show that even had the available forces been deployed [redacted] the flight time to Libya would have meant that they would have arrived there, unfortunately, after the four Americans had been killed. And so the suggestion in the commentary about the availability of forces is that somehow we were too slow or didn't deploy assets that -- there were available assets that weren't around, that doesn't comport with the facts as the forces were postured that day.

Now, you could have conversations about why the forces were postured that day in that manner. I think that has been talked about in the hearings that I have seen with General Dempsey and Secretary Panetta, talking about the intelligence warning, talking about the availability of other forces that would need to be built to respond to a threat from terrorism, and if you ask me, I'm going to consider myself a national security professional. I do believe that terrorism is the single greatest threat to the United States, our people, personnel installations abroad, and that we need to have a quick reaction force that can respond in extremis situations in which our people and our facilities are under attack.

And I think one of the main lessons learned from Benghazi, and I know the committee will focus on this, is what forces need to be

[redacted]

[redacted]

created and what the resources need to be provided to the Department of Defense to ensure that we don't have a situation where we can't get to someone in time if we have the ability to do that.

Q But regardless of what forces could be built, there always would be some distance and time issue, is that sort of an accurate --

A Yeah, and other than Djibouti, we don't have bases in Africa. We don't have military bases. Tripoli, Benghazi, Tunisia, these are thousands of miles, or 1,500 miles from places like Rota, Spain, and several hundred miles from other military bases. And I also worry, what if something were to happen in Sezwa (ph) that's even further. So I just, people need to look at the map when they analyze whether our forces could have responded that evening.

Q Was it your sense that Defense Department officials were doing everything in their power to respond to the situation in Libya that night?

A Yes.

Q And was it also your sense that personnel from across the interagency were doing everything they could to assist in the crisis that night?

A Yes.

Q Did the Secretary of State ever tell the Secretary of Defense to stand down or slow down the Department of Defense's response?

A No.

Q And you saw her and her staff on the SVTC. Do you recall -- I think she has testified that she was pushing stringently

[redacted]

and strongly for a FAST response to save her people. Can you describe what you recall her, sort of, doing?

Mr. Shapiro. Is somebody knocking at the door?

Mr. Bash. As I stated previously, I don't specifically remember what was stated on the SVTC with regard to that issue. I remember she was seeking any latest information we had on the situation on the ground. And I remember at one point a message was passed to her about the fact that a blond-haired individual was found at the hospital, and I remember she and her team said, that must be Chris, because they knew Chris Stevens, and they knew that that person probably would be matching the description of the Ambassador. They didn't note whether he was injured or dead or alive. I think the sense that I had was that he was alive, but probably injured.

And I read in an email in preparation for today that said that they said on the SVTC that, at that point, they had already -- they knew that the other individual who was co-located with Ambassador Stevens, the communicator, had already died from smoke inhalation. If they knew that already, I don't remember that from that SVTC, but that's not something that stands out in my -- I'm sorry, strike that. I don't remember that being discussed, but the whole mode of operation of the interagency was, let's try to respond as fast as humanly possible to this crisis, and that's exactly what we did.

BY MS. SACHSMAN GROOMS:

Q And that was the sentiment during that SVTC call, was we need to respond as quickly as possible to the crisis in Benghazi and

Tripoli?

A Everyone that I heard speak made that point.

Q And just because we keep doing this and we will keep -- I will just keep doing it. Did the Secretary of State's staff ever communicate to you that they wanted to stand down or slow the military's response?

A No.

Q Did the President ever tell the Secretary of Defense to stand down or slow the military's response?

A No.

Q Did the President's staff ever communicate to you that they wanted to stand down or slow the military's response?

A No.

Q I will mark I think the email that you were referring to earlier as exhibit 6.

[Bash Exhibit No. 6

Was marked for identification.]

BY MS. SACHSMAN GROOMS:

Q We will pass it out, but the email that I'm putting into the record, it was an email from James Winnefeld who is the Vice Chairman of the Joint Chiefs to Denis McDonough, Wendy Sherman, James Miller who you referenced before from OSD Policy, John Brennan, Ben Rhodes, a number of others and yourself. In it -- it's from Wednesday, September 12, at 1:19 a.m. and it states: "Understand we now have dip clearance for the FAST platoon into Tripoli. Working to accelerate

[redacted]

the airlift; have spoken personally with USAFE commander; will advise if it can be accelerated. We are also working the issue of ground transport from the Tripoli airport to the Embassy (the platoon is capable, but it's light and does not bring its own transportation), as well as the issue of how to (and whether we need to) help recover the COMs and the communications officer's remain."

Does this email from your memory and, reading it, show that the dip clearance in Libya was actually received that evening?

A I don't remember the dip clearance issue really being a big issue at all. And it was, at best, a derivative or subordinate issue to the overall issue of the military response. I don't remember this email per se. I mean, I have this cc that I'm copied on it, but it's not one that I remembered -- or it's not one that I remember. But I know Admiral Winnefeld and I would trust him to accurately characterize the situation in the deployment of military forces. And if he says that there's no issue with the dip clearance, then I think he is correct; there was no issue with the dip clearance.

Q And just from the email it appears that Admiral Winnefeld and then throughout the night was -- and sort of, he says here, working to accelerate the airlift, talking personally with people. He was doing everything in his efforts to try to make the response of the military faster that night.

Is that sort of an accurate characterization?

A It certainly appears to. Although, of course, in hindsight, we all now tragically know that at the time this email was

[redacted]

[redacted]

sent, the attack on the Annex that took the lives of the second two Americans had already happened like 2 hours previous. So notwithstanding his great efforts to accelerate the military's response, even had he been able to snap his fingers and make them arrive in Libya at that moment, it would not have saved those two individuals. But he continued to try because, of course, at the time, we didn't know. And, of course, at the time, we were operating under the assumption that our people were still under threat and that we needed to ensure their safety. So that's my, you know, that's my analysis of the email as I read it today.

Q So we talked a fair amount about the forces that Secretary Panetta ordered to move forward. But even before that happened, there were DOD assets that were put into motion almost immediately by people in the field making those decisions. One of those was the ISR that moved the drone that moved to help out, and the other was the, sort of, first DOD forces that actually responded to Benghazi immediately after the attack.

According to the DOD timeline, at approximately 6:30 p.m. eastern standard time, a DOD-led security team that was located at the U.S. Embassy in Tripoli departed for Benghazi, and it landed in Benghazi at approximately 7:30 p.m. eastern standard time. So that would have been really during the time period that the Secretary was returning, and then you all were having your meetings. Is that sort of accurate?

A Yes. But I should add that that team -- I don't recall that team being discussed or presented to the Secretary as an option for

[redacted]

[redacted]

him to deploy. We now know in hindsight that it was at the same time that meetings were happening in the Pentagon. But we shouldn't understand from the fact that it happened at the same time that it was known to the people in the Pentagon or the senior leadership of the Pentagon that that was happening.

Q And the Secretary didn't have to order those forces to deploy because on the ground, under their command structure, they made a decision to deploy immediately, and they deployed. Is that accurate?

A Yes. And he didn't know about them, so he couldn't have deployed them. Let me clarify. He couldn't have. He didn't know about them. You can't deploy something you don't know about.

Q Sure. Although, I think my question is more to the side of regardless of whether he knew about them, [redacted] which is what we would expect from military forces in the field.

A And God bless them. Honestly, they had the initiative and courage to do the right thing, and they did it.

Q In Secretary Panetta's testimony to the Senate he said, and I quote: "The quickest response option available was a Tripoli-based security team that was located at the Embassy in Tripoli, and to their credit, within hours, the six-man team, including two U.S. military personnel, chartered a private airplane and deployed to Benghazi. Within 15 minutes of arriving at the Annex facility, they came under

[redacted]

[redacted]

attack by mortar and rocket-propelled grenades. Members of this team, along with others at the Annex facility provided emergency medical assistance in support of the evacuation of all personnel."

So the security team in Tripoli would have been actually the closest available DOD resource to respond to attack. Is that right?

A I think they were, in fact.

Q And the way we understand it is --

A I'm sorry, could you just restate your question again?

Q Sure.

A I'm sorry, I want to make sure I'm precise about it.

Q Sure. And maybe I wasn't precise in my language.

A Okay.

Q There were individuals -- the first DOD asset that assisted with the response would have been the ISR drone that was moved and that was done almost immediately. After that, the closest available Department of Defense officials who -- Department of Defense military operators who were Special Forces and actually capable of assisting, were those folks in Tripoli. Is that right?

Mr. Chipman. [redacted]

Ms. Sachsman Grooms. [redacted]

[redacted]

[redacted]

[redacted]

Mr. Bash. I don't know their official status. And to General Chipman's point, I don't know what the command relationship was at the time. I know what we know now, which is that people went there. Some of them happened to be from the Department of Defense. I can't speak to what their specific operational chain of command was?

Ms. Green. [redacted]

BY MS. SACHSMAN GROOMS:

Q Do you recall when you first learned about them?

A No.

Q We have seen email traffic that shows that, I think, a number of individuals in the interagency were aware of them pretty early in the evening. Is that consistent with your recollection, or you just don't recall at all?

A I don't recall when I or when others in the area became aware of them.

Q But that particular group got to the Annex before the mortar attack. Some of its members were casualties in that, or some of the group's members were casualties in that attack, not necessarily the DOD folks. Is that right?

A I think that's been well established in the factual record that two of the individuals who responded from Embassy Tripoli to the

[redacted]

[redacted]

Benghazi Annex, the CIA Annex, were two of the individuals who were killed that night.

Q How important do you think that the DOD-led Tripoli group was in saving lives in Benghazi that night?

A I don't know that I'm in a position to assess that.

Q And would it be unusual that a Secretary of Defense would not be aware of DOD, like every DOD individual assigned throughout the world, especially those assigned in -- as part of, sort of, CIA operation?

A The United States Department of Defense is comprised of roughly 3 million people, 1.4 million on Active Duty, some 800,000 Reserves, and remainder civilian. Those numbers might be off a bit, but it gives you a sense of the enormity of the United States Department of Defense, and it would be highly unusual for the SecDef to be knowledgeable about the composition or capability of the United States military officials serving in embassies around the world.

Q And by the time the Secretary of Defense just, sort of, in our timeline would have been able to give an order -- even if he had known about them, and he was going to order them to go -- these particular guys were, sort of, already out the door. Is that right?

A Yes, I mean. Apparently, according to the timeline that DOD developed, they were departing as of 6:30 p.m., which is, you know, from the timeline, was toward the end of the first half-hour of a rolling 2-hour meeting that the Secretary hosted in his office to discuss the deployment of United States Military Forces to respond.

[redacted]

Mr. Chipman. I'm sorry, did you mean to ask whether the SecDef had intended to order the two-man team in Tripoli to respond to the incident in Benghazi. Is that what your question related to?

Ms. Sachsman Grooms. No. That wasn't my question.

Mr. Chipman. Okay. You said, by 6:30, they had already deployed. You said the SecDef had intended to order them to go?

Mr. Shapiro. I believe it was, even if he had intended to, they were already going.

Mr. Chipman. Okay, thank you.

BY MS. SACHSMAN GROOMS:

Q So what really happened was the people on the ground, the interagency, really, people on the ground, CIA and DOD together, did what I think you would have expected them to do, which is respond as quickly as possible without seeking approval up. Is that accurate?

A I don't know what approvals they were required to get or what they sought. Or I'm not familiar with what approvals were lingering in the air that evening, but I know that they departed. They went. They did so on their initiative and courage. And God bless them for doing it.

Q So I think we can go off the record then.

[Discussion off the record.]

Mr. Chipman. Okay, back on the record. Mr. Chairman, it's over to you.

Chairman Gowdy. Yeah, Mr. Bash, when you and I last talked, I think one of my last questions was in reference to this email dated

[redacted]

9-11-2012 at 7:19 that you and I were discussing: "We will ask State to secure the approval from host nation." And as I recall, you and I were trying to determine who that nation might be. You may have answered it, but would you humor me and do it again?

Mr. Bash. Libya, and I would add that I saw email traffic later in which Admiral Winnefeld was noting that a dip clearance was also being sought for the arrival of the U.S. aircraft into Spain.

Chairman Gowdy. But you would not have known that because you used the word "nation" singular?

Mr. Bash. Yeah, I think my -- as I can reconstruct it, my -- what had been discussed was any Libya Government dip clearance. I now know that there was also an issue with regard to Spain. But I don't believe I was referring to that in that note.

Chairman Gowdy. Do you know who, with specificity, was going to be consulted in Libya?

Mr. Bash. I do not.

Chairman Gowdy. Does it strike you as reasonable that if you have time to consult them about landing in their country or using their airspace, you might have time to ask them to please help rescue your people who are under siege?

Mr. Bash. Yes.

Chairman Gowdy. But you don't know who we were going to ask for permission to land?

Mr. Bash. I do not.

Chairman Gowdy. Is that a requirement, that you receive

[redacted]

[redacted]

permission from a, quote, "host nation"?

Mr. Bash. We talked about this a little bit earlier. It's not a -- my understanding is it is not a legal requirement for the deployment of the United States Military Forces. There is a policy or practice of doing so when U.S. Military Forces are introduced into a sovereign country. But, you know, require -- stating that it's a requirement, I wouldn't want to leave the impression that if somehow the approval was -- request for approval wasn't answered or that it was rejected or negatively returned, that that would prevent the United States military from responding. And I want to make clear that that would not prevent the U.S. military from responding.

Chairman Gowdy. Do you know from whom we secured permission from in Pakistan before the Bin Laden raid?

Mr. Bash. [redacted]

Chairman Gowdy. And that would be different from an attempt to rescue an ambassador in what way?

Mr. Bash. Well, in multiple ways.

Chairman Gowdy. I will just settle for one.

Mr. Bash. Excuse me?

Chairman Gowdy. I will just settle for one.

Mr. Bash. In the bin Laden operation, the President directed that no individual in any foreign government, to include Pakistan, be notified of the planning and the execution of the operation. [redacted]

[redacted]

[redacted]

Chairman Gowdy. Is it your testimony that, absent that explicit instruction from the President, that you have to receive permission from a host nation?

Mr. Bash. No.

Chairman Gowdy. So there was no requirement that we receive permission from Libya to do whatever we wanted to do in Libya with respect to our missing Ambassador?

Mr. Bash. Nothing was going to stop the United States military from going in and trying to rescue our unaccounted for missing Ambassador.

Mr. Shapiro. I just want to be clear. I think the record is clear. Mr. Bash isn't expressing a legal opinion as to what might or might not be required. But right --

Mr. Bash. Yes.

Chairman Gowdy. Fair enough. All right, so at 7:19, I want us to move, I guess, to -- there was a SVTC. Am I pronouncing that right?

Mr. Shapiro. You have to answer out loud.

Mr. Bash. I'm sorry; you're asking for my pronunciation of the --

Chairman Gowdy. You're familiar with it. I'm not.

Mr. Bash. Secure video teleconference, SVTC, yes.

Mr. Chapman. For the record, this is exhibit 7. It is an email

[redacted]

[redacted]

titled "Libya SVTC readout Tuesday, September 11, 9:54 p.m." Document No. Charlie 05580538. And that's exhibit 7.

[Bash Exhibit No. 7

Was marked for identification.]

Ms. Sachsman Grooms. And for the record, this witness is not on this email chain.

Chairman Gowdy. Did you participate in that SVTC?

Mr. Bash. Yes.

Chairman Gowdy. And this is 9:44 p.m., which is more than 2 hours after you sent the email to the State Department saying that you were spinning up and waiting on approval from the host nation?

Mr. Bash. I just want to state my testimony with clarity. I did not state that we were waiting on approval from the host nation to deploy the United States Military Forces.

Chairman Gowdy. I apologize for putting words in your mouth. If there is a different characterization, please advise how you wish to convey that approval. "We will ask State security approval." It will speak for itself, whether it asks permission or notice. How about we go with notice? Waiting on notice?

Mr. Bash. You stated "waiting," and I just want to clarify. "Waiting" implies that it would have to be sequenced; that until dip clearance occurred, no military action could occur. And my testimony is the opposite, that we would not wait for dip clearance to try to rescue the Ambassador.

Chairman Gowdy. We are going to get to that in a second. So this

[redacted]

[redacted]

is more than 2 hours later you participate in a SVTC and while minority counsel wanted to know that you were not on the email chain, were you actually involved in the SVTC itself?

Mr. Bash. Yes.

Ms. Sachsman Grooms. I have an exhibit if it's helpful.

Mr. Chairman, I have an exhibit with a full email chain if you want to enter it.

Chairman Gowdy. I am happy, under the rule of completeness, to augment this record with whatever record you think ought, in the interest of fairness, be considered alongside it. But I don't know that we need it for purposes of the conversation you and I are going to have.

Would you look at the second page of what appears to be a three-page document?

Are you with me? It's the paragraph that begins "The U.S. military." Do you see that?

Mr. Bash. Yes.

Chairman Gowdy. "The U.S. military has begun notifying special units of likely deployment." This is, conservatively, 3 hours and 44 minutes after Secretary Panetta has been told by the Commander in Chief to deploy; conservatively, about 3 hours after he told whomever you believe needed to be told to deploy; and the U.S. military has begun notifying special units of likely deployment.

"With ultimate disposition pending, State coordination with the Libyan Government and final approval by the White House." What does

[redacted]

"State coordination" mean?

Mr. Bash. I don't know.

Chairman Gowdy. Well, "State" is upper case S. Do you think that could be State Department, or --

Mr. Bash. Oh, yes, yes. I think "State" refers to the State Department, but in terms of the substance of the coordination, I don't know.

Chairman Gowdy. All right, so it could -- it doesn't, but it could -- read "with ultimate disposition pending Department of State coordination with the Libyan Government."

And I believe your testimony is you don't know who they would have been coordinating that with?

Mr. Bash. I don't.

Chairman Gowdy. And you don't know why that coordination could not have just as easily consisted of how to actually help the people who were under siege as opposed to receiving permission or providing notice to enter their territory?

Mr. Bash. Can you restate the question, please?

Chairman Gowdy. I may just get the court reporter to read it back. That way I don't mischaracterize.

Mr. Shapiro. I apologize for interrupting. I just want to make sure that Mr. Bash looks at the whole document.

Chairman Gowdy. That's all right. If you need time -- I'm not trying to rush you. I'm not trying to trick you. The document is in front of you. We are going to read over it together.

Mr. Bash. Okay.

Chairman Gowdy. Madam Court Reporter, could you read that question back for Mr. Bash?

[The reporter read back the record as requested.]

Mr. Bash. I don't know that it did not.

Chairman Gowdy. Is there -- well, I think that's consistent with your earlier answer because I think your earlier answer is you don't have any idea who they were talking to in the Libyan Government.

Mr. Bash. Yes, I don't know the individuals and I don't know the content of the coordination, so, therefore, I don't know the nature of the request.

Chairman Gowdy. All right, let's focus on that last clause, "and final approval by the White House."

This is new to me. May not be new to anyone else, but it had been my understanding from previous testimony that there was no more approval that need be given by the White House. The Commander in Chief said: Do whatever you need to do to help these people.

So what were we waiting on?

Mr. Bash. That's my understanding as well, that once the directive had been given by the President and the decisions were made by Secretary of Defense, that's the chain of command, and the decisions to deploy the United States Military Forces were in effect.

Chairman Gowdy. All right, so I'm back to my question, "final approval by the White House" for what?

Mr. Bash. I don't know.

Chairman Gowdy. Well, you were on the SVTC.

Mr. Bash. But that's not my understanding of what occurred that evening.

Chairman Gowdy. So you think the summary is incorrect?

Mr. Bash. I don't think it's correct that there was some need to go back to the White House. I think that's incorrect.

Chairman Gowdy. And these summaries are prepared by whom?

Mr. Bash. The person's name is redacted, so maybe that could be used.

Ms. Sachsman Grooms. Mr. Chairman, would you like the version with the person's name unredacted that prepared the summary?

Chairman Gowdy. Sure.

Ms. Sachsman Grooms. And would you like to mark it?

Mr. Chipman. We will mark that as exhibit 8.

[Bash Exhibit No. 8

Was marked for identification.]

Mr. Chipman. And, apparently, it is an email.

Chairman Gowdy. I think the copy, ironically enough, heavily redacted except for the name because our exhibit is not redacted, but the name is. I'm sure there's an explanation for that, but that escapes me, an Alice Hunt Friend. Do you know her?

Mr. Bash. She is an official -- or she was an official in the OSD policy area.

Chairman Gowdy. And I assume -- and ordinarily I don't ask witnesses to assume -- but I'm going to ask you to assume that the folks

who provided these summaries make an effort for it to be as accurate as possible.

Mr. Bash. I think that's valid.

Chairman Gowdy. No one benefits from an inaccurate summary, would they?

Mr. Bash. I'm not aware of anyone who would benefit from an inaccurate summary.

Chairman Gowdy. Are you aware of anyone who, since this summary was provided, has sought to clarify or correct it in any way?

Mr. Bash. I only reviewed this note from the last few hours, so I'm not aware of any effort to change -- to do what you described might be done.

Chairman Gowdy. All right, during our initial hour, you were being modest, and I think you were continuing to be modest because we skipped over, you were complimented in the very first paragraph of this summary. Do you see that on the first page?

Mr. Bash. I think.

Chairman Gowdy. "Special thanks to" -- blank -- "for providing excellent support to Jeremy during the SVTC and for the summary."

Mr. Bash. I think, just to be clear, I think the people who supported me were complimented. I wasn't complimented.

Chairman Gowdy. I'm going to assume that you both were. All right, so you don't know what final approval they would be waiting on from the White House?

Mr. Bash. I'm not aware of any final approval that was being

waited upon by the White House.

Chairman Gowdy. All right, I'm going to skip to the next paragraph. "State remains concerned that any U.S. military intervention be fully coordinated with the Libyan Government and convey Libyan concerns" -- this is grammatically challenged but "that about U.S. military presence, to include concerns that wheeled military vehicles should not be" -- that is a high degree of specificity with respect to their concern.

Do you recall who that concern came from in the SVTC?

Mr. Bash. No.

Chairman Gowdy. Who from the State Department was on that SVTC?

Mr. Bash. The State Department officials that I recall were Cheryl Mills; at some juncture, Secretary Clinton came into the discussion, and I think we talked earlier about what she reported on the SVTC; I believe I recall Wendy Sherman, the Under Secretary, there; and I can't recall who else. And I just want to clarify that I recall participating in the SVTC, but I can't say for certain whether I was there for the whole time or not.

Chairman Gowdy. Well, given the fact that you included in an earlier email two sentences about approval from the host nation, it would have been something that you would have been on the alert for. You were smart enough to include it in your 7:19 p.m. email.

Mr. Bash. I flagged the issue in the 7:19 email, and I don't recall, as I noted earlier, I don't remember if someone suggested that I do that, if that came up in the meeting with the Secretary. The issue,

[redacted]

based on the summary, was discussed on the SVTC, but I don't recall it being discussed on the SVTC. I'm not saying it wasn't. I just don't recall it being discussed.

Chairman Gowdy. Who was Wendy Sherman?

Mr. Bash. The Under Secretary of State.

Chairman Gowdy. And you think you would have remembered it if she had raised it while the chief of staff and the Secretary of State herself were also on the SVTC and did not raise it?

Mr. Bash. I don't remember if she raised it.

Chairman Gowdy. Do you think you would have remembered it had the third in command raised something while the first two in command kept their mouths shut?

Mr. Bash. I don't know.

Chairman Gowdy. Do you remember State raising that concern?

Mr. Bash. I don't remember the issue of the dip clearance issues being raised on the SVTC. Again, I'm not saying they weren't. I just don't remember them being raised.

Chairman Gowdy. "State remains concerned that any U.S. military intervention be fully coordinated with the Libyan Government and convey the Libyan concerns," let's just say about U.S. military presence, "to include concerns that wheeled military vehicles should not be used and U.S. Military Forces should consider deploying in civilian attire."

I've got to go back to Secretary Panetta and his assessment before the committee. He was very clear, at least I understood him to be clear, that the State Department was not in the chain of command. Is

[redacted]

[redacted]

that also your understanding?

Mr. Bash. Absolutely.

Chairman Gowdy. So can you help me understand why the hell anybody would care about the paragraph I just read if the President of the United States said "do everything you can" and the Secretary of Defense said "deploy"?

Can you explain to me why what color shirt our military folks may have had on would have risen to the level of a concern to be included in the summary?

Mr. Bash. I don't remember that discussion, but I just will tell you what I told you earlier, which is that issue never slowed down the United States Department of Defense or the senior leadership of the Department to deploy military forces to Libya. So you know, your question was, who would care? I don't know if the implication is that caring would slow down or the caring would stop, but it didn't.

Chairman Gowdy. I'm just trying to understand what role it played.

Mr. Bash. In my view, none. Not in terms of the speed with which the United States military, the U.S. military could response to the crisis.

Chairman Gowdy. What does a VADM mean? Is that Vice Admiral.

Mr. Bash. Yes.

Chairman Gowdy. And who is Mr. Tidd?

Mr. Bash. Admiral Tidd, his current job on his then job?

Chairman Gowdy. Then.

[redacted]

[redacted]

Mr. Bash. I believe he was the J-3.

Chairman Gowdy. If you are correct that it didn't matter, and it didn't slow anybody down, and it wouldn't have been one of your considerations, why did he agree to look into the possibility of deploying units in civilian attire?

Mr. Bash. I don't know.

Chairman Gowdy. Well, you were on the SVTC. The rest of us weren't. You do not --

Mr. Bash. I don't remember Admiral Tidd agreeing to look into the possibility of deploying units in civilian attire.

Chairman Gowdy. Do you remember it being discussed?

Mr. Bash. No.

Chairman Gowdy. Would it have been brought up by the Department of Defense? Was it something that you all were concerned about?

Mr. Bash. I don't remember it being discussed, so I can't speculate as to how it was raised.

Chairman Gowdy. You would have remembered if Secretary Panetta said, "Hey, we might want to check what kind of clothing the folks have on that deployed to Libya"?

Mr. Bash. He didn't, so that was not --

Chairman Gowdy. So you would have remembered it if he did, and he didn't?

Mr. Bash. I probably would have, but I can't state with certainty what I would remember if someone said something that wasn't said. And I want to make sure I'm being complete here.

[redacted]

[redacted]

Chairman Gowdy. Did the White House raise any concerns about --

Mr. Bash. The White House raise any concerns about, excuse me?

Chairman Gowdy. About wheeled military vehicles and the kind of uniforms?

Mr. Bash. On this SVTC or at all, I don't remember.

Chairman Gowdy. At all.

Mr. Bash. I don't remember any concerns being raised by the White House about that.

Chairman Gowdy. I want to ask you about the fourth point. Somebody else will handle the first three. "State and White House will work on statements for SecState and other senior government officials to condemn violence in Pastor Jones video."

I don't recall you bringing up the video yet today. And I haven't brought it up. Was that a big part of the SVTC?

Mr. Bash. I don't remember it being mentioned in the SVTC, but I do remember it being mentioned at the Pentagon, and I can talk to you about how it was mentioned, if you like.

Chairman Gowdy. Well, we may get to that. I want to focus on the SVTC right now. It was important enough to be listed as the kind of fourth takeaway.

Mr. Bash. I don't remember the Pastor Jones video, which I just want to note for the record, I think it was ultimately concluded it wasn't a Pastor Jones video. It was a video not connected to Pastor Jones, so I don't want to leave any misimpression. But I don't remember that video issue being talked about in the SVTC.

[redacted]

Chairman Gowdy. All right. So I want to fairly characterize your testimony, and if I do it incorrectly, the record will correct it, and you can correct it.

You do not recall any conversation on this SVTC about needing any more approval from the White House to act?

Mr. Bash. Sitting here today, I do not.

Chairman Gowdy. And you do not recall who raised State Department concerns about the type of vehicles, the uniforms that would be worn, and making sure that it is fully coordinated with the Libyan Government?

Mr. Bash. I have a few recollections from the SVTC, and that's not one of them.

Chairman Gowdy. And you don't recall if there would have been -- if you or someone else would have said, "Look, we are coordinating whether these are two-wheel or four-wheel drive vehicles; can we also coordinate maybe their response to our facility?"

Mr. Bash. I don't recall that issue being discussed?

Chairman Gowdy. Okay.

I want to go to another email string, if we can. And I will let the general tell us what exhibit this is.

Mr. Chipman. That will be exhibit 9, but before we go through exhibit 9, I just want to make sure the record is clear on exhibit 8. Exhibit 8 consists of two pages. It is an email from Ronald Lewis BG to Kathleen Hicks, dated Wednesday, September 12, 2012, at 7 a.m. Exhibit 9 is an email consisting of three pages. It's State Department

[redacted]

document No. Charlie 05562060.

[Bash Exhibit No. 9

Was marked for identification.]

Chairman Gowdy. Do you have that exhibit in front of you, Mr. Bash?

Mr. Bash. Exhibit 8 or 9, which one?

Chairman Gowdy. This is an email string, I think it is going to be 9. Is that right, General?

Mr. Shapiro. That's No. 9, the email string. Yes, sir.

Chairman Gowdy. We will go kind of backwards to frontwards. Do you see an email originating from a Denis McDonough at 11:45 p.m.?

Mr. Bash. Yes.

Chairman Gowdy. And that would be how many hours after you first received notice that something had happened in Benghazi?

Mr. Bash. Well, according to the timeline, the notice came in shortly before the Secretary departed for the first meeting with the White House. The meeting was at 5 o'clock, so rough math, 4:30-ish to 11:45-ish, 7, 7-15 if I'm doing the math right.

Chairman Gowdy. So 7 hours later, there is an email from Denis McDonough, and he would have had what role at that time?

Mr. Bash. Deputy National Security Advisor to the President.

Chairman Gowdy. Go to the third paragraph with me: "Ambassador Stevens remains unaccounted for."

Did you know at the time whether he was dead or alive and his remains had been unaccounted for, or did you not know whether he was

[redacted]

[redacted]

dead or alive?

Mr. Bash. I don't remember seeing this email -- let me back up. I believe I remember hearing that he was dead not until like early the next morning. So, at 11:45 that night, the impression I probably had was that he was potentially at the hospital, but I didn't know if he was injured, alive, without injury, or deceased.

Chairman Gowdy. So we have a possible living, unaccounted for United States Ambassador, 7 hours later. Is that fair?

Mr. Bash. Yes.

Chairman Gowdy. Okay. Go to the last sentence of that paragraph five, "DOD personnel arrived in Benghazi about an hour ago from Tripoli to reinforce security there." Was that one of the assets that you had asked to move?

Mr. Bash. By me, you mean Secretary Panetta?

Chairman Gowdy. Yes.

Mr. Bash. No. That was not one of the elements that Secretary Panetta deployed. It was not presented to him as an option to deploy. We talked about this a little bit with -- in the last section whether it was a unit or what it was.

Chairman Gowdy. Well, you and I agree that it is very important that the public be left with a crystal clear impression on this.

Mr. Bash. Yes.

Chairman Gowdy. And that was not an asset that was brought to your attention?

Mr. Bash. That's correct. The Secretary's attention or mine.

[redacted]

Chairman Gowdy. Okay. Do you think it is -- it would be fair for someone to question the fullness and completeness of that asset picture if whoever provided it to you and the Secretary had not included that?

Mr. Bash. Do I think it would be fair to question why they didn't provide that picture to the Secretary?

Chairman Gowdy. I'm not even doing that because that implies motive.

Mr. Bash. Okay.

Chairman Gowdy. If our position is the full picture of assets was provided to the Secretary of Defense, that's not accurate.

Mr. Bash. I don't recall that being one of the DOD elements at the time. However, I recall some discussion afterwards when it was clear that those individuals had taken the initiative and courage and done the right thing to try to help our people in Benghazi.

There was some discussion about whether they were a DOD element or an ad hoc element, and I'm not in a position today to opine what the final resolution of that issue was. And I don't know how they would be characterized in hindsight. I just can tell you the fact that they were not presented to the Secretary as a response option.

Chairman Gowdy. I want you to look at what would be the middle page, at the top right. My copy says: "On our people in Libya, the Joint Staff is deploying three sets of teams in the region appropriate to the mission (S)." Do you see that?

Mr. Bash. My copy, the middle of the page says "transportation,

[redacted]

as well as the issue."

Mr. Shapiro. Sorry, the next page. I believe the chairman is referring to this.

Mr. Bash. I'm sorry. Give me a moment to read it, please. Yes, I see that.

Chairman Gowdy. So nothing had deployed as of almost midnight on the 11th?

Mr. Bash. Well, I would refer to the DOD timeline on the times that units deployed. The email you refer is not the definitive word of whether units had deployed at the time. I'm not saying it's incorrect. I would just rather rely on the DOD timeline.

Chairman Gowdy. Well, I don't know that anything is the definitive word. But this is certainly the word of Denis McDonough, who again, held what position at the time?

Mr. Bash. Deputy National Security Advisor.

Chairman Gowdy. Would he be in a position to know whether or not assets deployed?

Mr. Bash. He would, except I would just note that, because it's a fluid and dynamic situation, it's possible something happened that he wasn't up-to-date on. My only point is, it's a knowable fact when a unit went wheels up, and I would rely on the Department of Defense's account, not necessarily this email.

Chairman Gowdy. That's a fair point. But let's test it and see whether or not he was right or not.

At 11:45 p.m., had anything deployed?

[redacted]

[12:25 p.m.]

Mr. Bash. Let me look at the timeline real quick. 7:45 eastern?

Chairman Gowdy. Yep.

Mr. Bash. Nope.

Chairman Gowdy. I want you look at the first page. This is from a James Winnefeld. I think he was on your initial email, if I'm not mistaken. Yep, he was. And this is at 1:19 a.m. Do you see that?

Mr. Bash. Yes.

Chairman Gowdy. "Understand we now have dip clearance for the FAST platoon into Tripoli." What do you think dip clearance would refer to?

Mr. Bash. My understanding was it's that diplomatic clearance that we've been discussing.

Chairman Gowdy. Mr. Bash, we're working on 9 or 10 hours into it at this point. That didn't strike you as being a long period of time to have to secure something that you don't have to secure in the first place?

Mr. Bash. I think that that question suggests that that was the holdup, and I think the facts show that that was not the holdup. There was no holdup from that process. We can talk about what the holdup might have been or what the timelines might have been, but I don't --

Chairman Gowdy. You're the expert; I'm not. I'm just trying to figure out why there are so many references to something you tell me doesn't matter.

Mr. Bash. That did not slow down the response of the FAST team

[redacted]

into Tripoli, or it would not have slowed down any team into Benghazi or any effort to rescue our people. And, in fact, I think that --

Chairman Gowdy. Well, that kind of gets me to my next point, which is if we're having all of these conversations about clearance with whoever was the Libyan Government at the time, were there any conversations about what aid they could bring?

Mr. Bash. I don't know whether those conversations occurred. But I just want to finish something about that email, which is just glancing at the email, it notes -- I think it notes that the dip clearance actually occurred before the element was even capable of going wheels up because it was not co-located with aircraft.

So, in my view, if someone wants to know the fundamental issue of why couldn't the FAST team lift up from Rota, Spain, to Libya, there's one important aspect, [redacted] they would not have gotten there before we lost four Americans.

But even had they been able to and were ready to do so, they didn't have the aircraft there to leave. And you can't fly a helicopter, obviously, from Rota, Spain, to Libya, so they needed fixed-wing aircraft.

Chairman Gowdy. All right. Move up, Admiral Winnefeld to you and others: "Aircrews are on the ramp at Ramstein." What's your understanding of what that means?

Mr. Bash. Ramstein Air Force Base in Germany.

Chairman Gowdy. I got that part of it.

[redacted]

[redacted]

Mr. Bash. Yeah, sorry.

Chairman Gowdy. The first part of it, the air crews are on the ramp.

Mr. Bash. The next sentence refers to two C-130s, so I presume it refers to the air crews that are flying the two -- manning the two C-130s.

Chairman Gowdy. So what does 0600Z mean?

Mr. Bash. Zulu.

Chairman Gowdy. Translate that for me in eastern time.

Mr. Bash. I think it's Greenwich mean time.

Mr. Chipman. Is it possible that was 8:00 local time in either Ramstein and/or Benghazi, Libya, based on the timeline?

Mr. Bash. I would defer to General Chipman's translation of Zulu Greenwich mean time into eastern standard time.

Mr. Shapiro. I don't think he was translating it. Eastern European.

Mr. Chipman. Eastern European time, so the record is clear.

Chairman Gowdy. What I'm trying to do is reconcile a 1:40 a.m. email with a reference to 0600Z, and I'm trying to figure out how far in the future that is.

Mr. Shapiro. Well, if General Chipman is right, then it's 8 a.m. Eastern European time. I believe, from the timeline, that makes it 2 a.m. eastern standard time. Six-hour difference?

Mr. Chipman. That would be my view of the time.

Chairman Gowdy. All right. So one is going to leave in --

[redacted]

[redacted]

Mr. Bash. So departing 2 a.m.?

Mr. Shapiro. Yeah.

Chairman Gowdy. One is going to leave in 20 minutes and one is going to leave in an hour and 20 minutes. Is that how you understand that?

Mr. Bash. Yes.

Chairman Gowdy. All right. "3+40 transit time to Rota. 1-hour load time. Estimated arrival at Tripoli is 1300Z," which help me with the math. What time would that have been?

Mr. Bash. May I confer with counsel on the math?

Chairman Gowdy. Sure.

Mr. Shapiro. I get 9 a.m. --

Mr. Bash. I was a political science major.

Mr. Shapiro. -- 9 a.m. eastern standard time.

Mr. Bash. 9 a.m. eastern?

Mr. Chipman. 9 a.m. local Washington, D.C. time, eastern standard time.

Chairman Gowdy. Can you read the next sentence for me?

Mr. Bash. Just a moment. So 9 a.m. on the 12th is --

Mr. Shapiro. These show eastern time and then local Libya time. So the question was, can you read the next sentence?

Mr. Bash. "One departs at 0600Z, the other at 0700Z. 3+40 transit time to Rota Spain. 1-hour load time. Estimated arrival at Tripoli is 1300Z. We now have country clearances for Spain and Libya."

Chairman Gowdy. You know, Mr. Bash, see, it comes up again, this

[redacted]

[redacted]

country clearance issue. It's coming up from the State Department. It's coming up from Admiral Winnefeld, who worked for whom?

Mr. Bash. He was the Vice Chairman of the Joint Chiefs of Staff.

Chairman Gowdy. Okay. Clearance from whom and for what?

Mr. Bash. I'm not sure I'm the best person to answer that, but my reading of the email is clearance for the C-130s to marry up with our assets in Spain and for a FAST platoon to secure the U.S. Embassy in Tripoli.

But, again, I want to stress that if the implication is that the dip clearances was the holdup, as Admiral Winnefeld's email makes clear, the aircraft wasn't even married up with the asset yet, and the arrival of the entire package into Tripoli was not going to occur until -- let me get this exactly correct -- according to his email, 9 a.m. eastern time, the next day, September 12, which was -- excuse me, 9 a.m. eastern time? So that was -- 9 a.m. eastern time, which is around 3 p.m. in Libya, just for the completeness of the record.

So that's 3 p.m. That is -- and this is an important issue, a really important issue -- that element would not have arrived until 3 p.m. when the -- local, local in Libya -- when the second facility had been attacked at 5:15 a.m.

Chairman Gowdy. I'm with you.

Mr. Bash. So we're almost 10 hours after that attack, which is consistent with what Secretary Panetta and Chairman Dempsey has testified to all along.

Chairman Gowdy. I'm with you. And General Chipman is going to

[redacted]

[redacted]

go into all of that and if that really is the best the world's greatest military could do. And if it is, then we need to let people know that that's the best we can do; and if it's not the best we can do, if there's some lessons that need to be learned, that's why we're here.

But I'm going to let General Chipman do that. I'm just going to remind you again, because you have stressed that it didn't slow anything up and everything was rocking right along, other than constant reference to it, I'm trying to -- "State remains concerned that any U.S. military intervention be fully coordinated with the Libyan Government -- " Who at State? Who speaks for the State Department?

Mr. Bash. I don't know who that was referring to, but I just want to clarify, because the question said nothing was held up because of the dip clearance issue.

Chairman Gowdy. Right.

Mr. Bash. The position of the assets, the tyranny of the distance, the airplanes, that did impact the ability to respond in Libya.

Chairman Gowdy. And the general is going to get into all of that. But your testimony is, having to get permission from the Libyan Government, whatever it may have been, did not contribute to the response time.

Mr. Bash. Not in my view.

Chairman Gowdy. All right. And I'm back to now asking you about a SVTC that happened a couple hours after you first learned that something had happened in Benghazi. "State remains concerned," which

[redacted]

suggests to me that they had initially been concerned and still are concerned. Is that how you read that?

Mr. Bash. I don't know what was meant by that.

Chairman Gowdy. "-- that any U.S. military intervention be fully coordinated with the Libyan Government -- "

Ms. Sachsman Grooms. For the record, we're back to Exhibit 7.

Chairman Gowdy. Got it in front of you?

And I guess I'm just going back to Civics 101. I was always under the impression that the President was the Commander in Chief and that he issues orders and the Secretary of Defense carried those orders out. And I'm just not aware of the State Department having a role in the chain of command.

Mr. Bash. The State Department does not have a role in the chain of command, but it is important to add --

Chairman Gowdy. Well, then why were they expressing concern that a military decision be fully coordinated with another government? Why wouldn't DOD decide that?

Mr. Bash. It is important to add that in the regular course, in the regular deployment of U.S. military forces, there are issues of dip clearances that are worked at the interagency level. I'm not an expert because it wasn't my job to coordinate those, but that is a feature. If someone is surprised to learn that, they haven't been following the way U.S. military forces are deployed.

It's important to note, however, that in a crisis situation, when someone's life is on the line and there's a quick reaction force that

[redacted]

is deployed into a country, nothing would stop the United States military from going in and protecting Americans. And I don't want to leave anyone with the impression that the --

Chairman Gowdy. Neither do I, Mr. Bash.

Mr. Bash. -- that the bureaucratic process of dip clearance or whatever it is would prevent that.

Chairman Gowdy. Neither do I. But at the time of this SVTC you had an ambassador who was unaccounted for, you knew something really bad had happened in Benghazi, the Commander in Chief had already given you the broadest authority you need, which is do whatever you need to do to protect or save or help our people.

The Secretary of Defense could not have been more clear. He didn't say get ready to deploy; he said deploy. And the State Department is worried about what type of vehicles will be used during that deployment and how the soldiers will be garbed?

Mr. Bash. Notwithstanding whatever they're, quote, worried about, that did not slow up the United States military.

Chairman Gowdy. I'm just trying to read it from a normal citizen's standpoint of is that really what's being discussed on a SVTC with a missing ambassador, the type of vehicle?

Mr. Bash. I don't remember it being discussed.

Chairman Gowdy. All right. I want to change gears and then I'll let the general and the other folks -- and I did alert your counsel that I was going to ask you this line of questions because I don't want you to be surprised.

[redacted]

[redacted]

You work where now?

Mr. Bash. I work at a consulting firm that I started in 2013.

Chairman Gowdy. And who -- do you have partners? What's the structure of your entity?

Mr. Bash. Our entity is a limited liability corporation, an LLC, and I have three principal partners.

Chairman Gowdy. So you started this in 2013. When in 2013?

Mr. Bash. The end of April, on or about April 20.

Chairman Gowdy. All right. And who are your partners, for lack of a better word?

Mr. Bash. Andrew Shapiro.

Chairman Gowdy. And tell me about Mr. Shapiro.

Mr. Bash. In what sense? What he works on or what his background is?

Chairman Gowdy. Background. Bio.

Mr. Bash. He served in various government positions at the Department of Justice, in the United States Senate, and at the United States Department of State. And his last position was as assistant secretary of state for political-military affairs.

The second partner --

Chairman Gowdy. One second. On Mr. Shapiro, I'm not going to hold you to it with any degree of specificity, but do you know when he worked for DOJ?

Mr. Bash. No.

Chairman Gowdy. Do you know when he worked for the U.S. Senate?

[redacted]

[redacted]

Mr. Bash. In the 2000s timeframe.

Chairman Gowdy. Did he work for a committee or a member?

Mr. Bash. He was MLA to then-Senator Clinton.

Chairman Gowdy. And he worked at DOS from when to when?

Mr. Bash. 2009 until 2013.

Chairman Gowdy. And would he have left the same time you left, in late April of 2013?

Mr. Bash. Yes.

Chairman Gowdy. All right. So you were with DOD up until the time you left for Beacon?

Mr. Bash. Yes.

Chairman Gowdy. All right. So Mr. Shapiro. Who else?

Mr. Bash. Philippe Reines.

Chairman Gowdy. Okay. Tell me about Mr. Reines.

Mr. Bash. His background is he has served in various government positions, including with the city of New York and in the United States House of Representatives, the United States Senate, and the United States Department of State. His last position was as deputy assistant secretary of state.

Chairman Gowdy. We'll go backwards in terms of chronology. Do you know when he worked for the Department of State?

Mr. Bash. 2009 to 2013.

Chairman Gowdy. Do you know when he left in 2013?

Mr. Bash. I don't know the precise date. I know it was before -- a little earlier in the year, before the timeframe that I

[redacted]

[redacted]

left DOD.

Chairman Gowdy. So before April?

Mr. Bash. I believe so.

Chairman Gowdy. Do you know what he did in the U.S. Senate?

Mr. Bash. He was a press secretary in the office of Senator Clinton.

Chairman Gowdy. Do you know what he did for the House?

Mr. Bash. He was press secretary to Congresswoman Jane Harman.

Chairman Gowdy. Do you know what he did for the city of New York?

Mr. Bash. I think he worked for the speaker, Peter Vallone, if that is correct. I'm not 100 percent sure about that.

Chairman Gowdy. All right. Shapiro, Reines.

Mr. Bash. Michael Allen. Michael Allen served for, I believe, nearly 8 years in the President Bush 43 administration as the -- most of his time was spent at the National Security Council working for Drs. Rice and Hadley. He served as senior director for legislative affairs and concluded his tenure in the Bush administration as senior director for counterproliferation at the NSC.

He, subsequent to that served, I believe, for about 3 years, as staff director for the committee across the hall, the House Permanent Select Committee on Intelligence, for the majority Republican chairman, Chairman Rogers.

Chairman Gowdy. Do you know when he left HPSCI?

Mr. Bash. I don't know the exact date, but I believe it was, like, around August of 2013.

[redacted]

Chairman Gowdy. Do you recall when you began discussions with him about potential employment?

Mr. Bash. I don't recall when I started discussing things with him about that.

Chairman Gowdy. Do you know whether he sent you a resume or a letter applying for a position or how it came up?

Mr. Bash. I'm quite sure he did not send me a resume or any such formal letter.

Chairman Gowdy. If you are quite certain about that, are you quite certain about how it did come up?

Mr. Bash. I'm not --

Ms. Sachsman Grooms. Mr. Chairman, aren't we a little bit far afield of the Benghazi attacks? I'm not sure that we knew that this sort of line was coming up.

Chairman Gowdy. You may not have, but his lawyer did, and I don't have a policy of checking off my questions with you before I ask them.

Ms. Sachsman Grooms. Certainly. But I'm not understanding the nexus between the hiring of a partner to his company and the Benghazi --

Chairman Gowdy. Well, by the time my questioning is over you might understand it better. But I'm going to continue with my questioning.

Mr. Allen, do you remember when you discussed hiring him?

Mr. Bash. I don't specifically remember when I started talking to him about coming to Beacon. But the company was formed in April, and at some point after that when he was going to be departing government

[redacted]

we had final conversations and he joined.

Chairman Gowdy. So the best of your recollection, August of 2013 is when he joined Beacon?

Mr. Bash. I want to double check that, but that's my --

Chairman Gowdy. This ain't a trap. It ain't a trap.

Mr. Bash. Okay.

Chairman Gowdy. Where was he working up until August of 2013?

Mr. Bash. I believe he was working in the House of Representatives.

Chairman Gowdy. On HPSCI?

Mr. Bash. That was his last position.

Chairman Gowdy. All right. So whatever conversations you would've had with him about future employment would have taken place while he worked for HPSCI?

Mr. Bash. Just, I don't want to leave anyone with the impression that I recall specifically when the conversations occurred or, you know, the specific nature of them. But the final decisions, the decisions to leave the Hill and work at this firm, happened, I think, later. I think it happened more with the time that he left.

Chairman Gowdy. Closer to August than April?

Mr. Bash. Yeah. Yeah. That's my recollection.

Chairman Gowdy. All right. And you don't recall how those conversations were broached or who brought it up to whom?

Mr. Bash. I don't.

Chairman Gowdy. All right. Are those the only principals or

[redacted]

[redacted]

partners at Beacon?

Mr. Bash. Yes.

Mr. Shapiro. Other than Mr. Bash?

Chairman Gowdy. Yes.

Mr. Bash. Yes.

Chairman Gowdy. All right. Is there an advisory board or consultants, for lack of a better word?

Mr. Bash. There is an advisory board. We have employees. We have some members of an advisory board. And we have two individuals who serve as senior counselor.

Chairman Gowdy. All right. Tell me who your senior counselors are.

Mr. Bash. Secretary Panetta and Michael Morell.

Chairman Gowdy. What do senior counselors do?

Mr. Bash. It varies, but in general they provide advice to the partners and occasionally to certain clients of the firm.

Chairman Gowdy. Are they compensated?

Mr. Bash. This is a little intricate. I don't know how much you want me to get into this.

Chairman Gowdy. Well, I'm not going to quiz you about the nature of the compensation. Do they do it pro bono or are they compensated?

Mr. Bash. It's not pro bono. They're compensated for work that they do, if that is helpful.

Chairman Gowdy. It is tantamount to being "of counsel" in a law firm?

[redacted]

Mr. Bash. Somewhat similar, yes. I think that's probably fair.

Mr. Shapiro. At some law firms. They're all different.

Mr. Bash. I worked at a firm where it was counsel and it was more of a full-time job. And I think maybe an important distinction is it's not a full-time job for those two senior counselors.

Chairman Gowdy. Okay. Fair enough.

Do you know when Secretary Panetta joined Beacon?

Mr. Bash. When he was named senior counselor? I don't recall the date.

Chairman Gowdy. Do you recall the year?

Mr. Bash. I don't. I want to say early on, like 2013, but I just don't know if it happened actually in early 2014 or actually in the calendar year 2013.

Chairman Gowdy. Would the latest it be early 2014?

Mr. Bash. Probably, but I'd want to double check.

Chairman Gowdy. That's fine. You can supplement any and all of this. I'm just trying to get a timeline.

Mr. Bash. Yeah.

Chairman Gowdy. Director Morell, when did he begin the senior counselor slot with Beacon?

Mr. Bash. I don't recall. I'd have to check.

Chairman Gowdy. We're in 2016. We know it wasn't this year. Was it 2015?

Mr. Bash. No. It was either, again, I think, like Secretary Panetta, it was either late in 2013 or the early part of 2014. But

[redacted]

I want to check. These are absolutely knowable facts, and I can come back with them.

Chairman Gowdy. How many other senior counselors do you have?

Mr. Bash. None.

Chairman Gowdy. Okay. That's it.

EXAMINATION

BY MR. CHIPMAN:

Q Mr. Bash, we've got about 7 minutes left in this particular hour of questioning, so I thought I'd try to go over a range of minor issues just to sort of get some more clarity on the record, and then I'll be able to structure a little bit more logically in the next hour of questioning.

Just to set the stage, though, for what I intend to explore in the next hour, you mentioned early on in the meeting that was convened back at the Pentagon following Secretary Panetta's and General Dempsey's return from the White House that there were two fundamental issues: First, the response to what's potentially a missing ambassador; and secondly, what's going to occur potentially around the rest of the region. And those were two distinct topics, correct?

A I want to be clear, I don't know that I saw them as distinct. In some ways, I saw them as merged. But they were both part of the -- both topics were part of the conversation.

Q And you've talked about the military vernacular, the colloquialisms, the culture. So we're talking about really the current fight and what might be the near fight. Is it fair to say that,

[redacted]

[redacted]

in terms of --

A Yeah.

Q The current fight being a missing ambassador.

A The current situation and the unfolding situation that affect --

Q Fair enough.

A -- other U.S. personnel at facilities around the region.

Q (U) You talked about this being a very different situation from the normal methodical deployment of forces that the Secretary does every week via the SecDef orders book. So this was a crisis response. This was crisis decisionmaking. [redacted]

A Well, in that, as you laid out, third category -- I think I referred to it as the second category, but I know which category you're referring to -- so there were ordinary dep orders processed through the SecDef dep orders book.

[redacted]

[redacted]

[redacted]

[redacted]

Those types of missions were days, sometimes weeks in the planning, and there were slides that were drawn up in typical DOD fashion, and there were meetings in the Secretary's office, and it was fairly deliberate. Sometimes there was interagency coordination. Usually, it was the Chairman or the Vice that kind of wrapped the process up to the Secretary.

So there was the first bucket, the second bucket, and then this third bucket, which is, in my view, a bucket of one. It only happened, that I saw, one time in the nearly 2 years that I was there, which was the real-time crisis. We have word that something's happening. We have to respond and deploy.

Q [redacted]

[redacted]

[redacted]

[redacted]

A Yes.

Q [redacted]

A It depends what you mean by a decision apparatus.

Q [redacted]

But in a crisis situation, I'm not sure you need an apparatus. I think you just need the Secretary to say deploy, and they could be ready to deploy, if that's the alert status that they're on.

Q And so I come back to the timeline. And we've had talked about the timeline. It's an exhibit. It appears from the timeline

[redacted]

[redacted]

that General Ham knew not later than 4:30 that afternoon of the crisis unfolding in Benghazi. And do you recall that on the timeline, 4:32 p.m.?

A General Ham or Secretary Panetta?

Q General Ham.

A I don't know what General Ham knew.

Q If you could go back to Exhibit 1.

A That actually refers to SecDef and General Dempsey.

Q Fair enough. And in the AFRICOM FOIA book that I can refer you to, it appears that General Ham's aide was informed at 4:20 of the unfolding attack by AFRICOM Command Center. So certainly before 4:32. But by 4:32, the National Military Command Center at the Pentagon knew of this.

And so my question --

A I just want to stop. When you say "knew of this," I just want to make sure I'm complete about what was to pass to the Secretary was an unaccounted ambassador and potentially a fire.

Q Fair enough.

A Not the full, you know --

Q An unaccounted --

A -- to location.

Q Fair enough. No, and that's what I mean, that there was an --

A Yeah, missing ambassador.

Q -- there is a missing ambassador, there is an attack at the

[redacted]

Benghazi TMF that's underway. I'm using this from the official DOD unclassified timeline.

And so my point is this. At 4:30, the NMCC is aware of this missing ambassador, but the actual physical notification hour to start the military response doesn't even go into motion until 11 p.m. that night, some 6-1/2 hours later. That's the timeframe that I'm trying to get at is, is that reasonable? Is that a reasonable deliberative process for the national security apparatus, to take 6-1/2 hours to issue a decision to deploy military assets?

A I'm not sure I'm in a position to opine on whether it's reasonable, but I can tell you what happened along the way, along the timeline. If I were Secretary -- and I'm not -- I would like -- that's the understatement of the year -- I would like to believe that the -- that a decision could be made and that the order would go into effect so that the N+time would be -- that the clock would start quickly, very quickly.

Q And I think that's what most of the Americans that I've talked to about this would say is reasonable as well.

A But let's stipulate that it had. And then so the question is, could they have gotten there in the flight time? I think that's also a question that's --

Q Fair enough. And we'll get to that in the next hour. So my time is up. We'll take a break now and change over to the minority.

Off the record please.

[Discussion off the record.]

Ms. Sachsman Grooms. Let's go back on the record. The time is 1:05.

Mr. Bash, in the last hour, you got asked, I think, a number of detailed questions about your current business and your partners and the people who work with you. Does anything about your business or your partners or the senior counselors to your business impacted your testimony here today?

Mr. Bash. No.

Ms. Sachsman Grooms. Not in any way?

Mr. Bash. No.

Ms. Sachsman Grooms. And you were asked a number of questions about Michael Allen, who, as I understand it, had been the staff director for Chairman Rogers at HPSCI. The HPSCI report on Benghazi, the classified version, was completed and voted on by its members on July 31.

Mr. Shapiro. What year?

BY MS. SACHSMAN GROOMS:

Q It would've been 2014.

Did your discussions with Mr. Allen about hiring him have anything to do with the Benghazi investigation that was going on by HPSCI or Chairman Rogers?

A Of course not.

Q Was there any sort of contingency to some findings in the investigation or some analysis done in the investigation as to whether he would come on as one of your partners?

A Of course not.

Q I would note for the record that the investigation into the Benghazi attacks doesn't seem to include an investigation of either your business or your partners, and I'm not sure where the chairman was going with that inquiry. But typically congressional investigations don't inquire into the staff of other congressional committees.

But I just wanted to make as clear as possible for the record in case, you know, that concern is raised that none of those hiring decisions or employment decisions or partnerships for Mr. Allen or any of the other members had anything to do with their actions related to the Benghazi attacks or the investigations of the Benghazi attacks. Is that accurate?

A Yes.

Q So I want to go back to the SVTC summary that is in exhibit 7 and exhibit 8, which, you know, if you put the two exhibits together, you can see both the written summary and then who it gets sent to.

A Okay. I got it.

Q You didn't write this summary of the 7:30 SVTC. Is that accurate?

A Yes, that's correct.

Q The email appears to be authored by Alice Hunt Friend, the principal director for African affairs. Did you discuss anything about the SVTC with Ms. Friend before she wrote this email?

A I don't recall discussing anything with Alice Friend about

[redacted]

this email.

Q And it appears that Ms. Friend, from the email, was not actually in the SVTC. She says in the email: "Special thanks to" -- and it's redacted -- "for providing excellent support to Jeremy during the SVTC and for the summary." I read that to be for the summary that's included within the email.

Do you recall whether Ms. Friend was actually in the SVTC or not?

A I'm not sure I understood the question. There was a sentence in here in the first paragraph that said, "and I also participated," and I presume it means I participated in the SVTC.

Q Okay.

Mr. Shapiro. But you don't actually recall.

Mr. Bash. I don't recall Alice Friend participating. I don't recall specifically who from DOD participated.

BY MS. SACHSMAN GROOMS:

Q And the email, when you look at exhibit 8, my look at that shows it not going to you. Am I correct in that?

A I don't see my name on exhibit 8.

Q And do you have any independent recollection of ever receiving this email at the time?

A No, I don't recall receiving this email at the time.

Q So the email is not your summary of the SVTC, and you don't recall receiving it at the time. Is that accurate? I sort of compounded those.

A I don't remember receiving this email at the time.

[redacted]

Q In the previous hour you explained that there were a number of things within this email summary of the SVTC that you either did not recall occurring within the SVTC or that you thought were actively incorrect, as in would not have occurred during the SVTC. Is that accurate?

A Well, much of what the chairman and others were asking me about I simply do not recall, and I stated for the record what I did recall from the SVTC. The part that I said I think was incorrect was an implication that the White House would have to be reconsulted on the Secretary of Defense's deployment decisions. That, I can say, is manifestly incorrect.

Q So the line here where it says, "The U.S. military has begun notifying special units of likely deployment with ultimate disposition pending State coordination with the Libyan Government and final approval by the White House," that's the line that you're saying is not correct?

A That's not my understanding of what happened.

Q That's not your understanding of what happened during the SVTC. Is that right?

A That's not my understanding of what happened period, at all, during the crisis. I don't have any recollection about this issue being discussed on the SVTC, and it is, in fact, not what happened.

Q If you had been on a SVTC -- and I apologize for the hypothetical -- but if you had been on a SVTC that evening and somebody said that someone other than your boss had to approve military

deployments, would that be something you would have spoken up about or objected to or remembered?

A It depends who was saying it and what the context was. That's really hard to know. But as a general matter, I was certainly a zealous guardian of the Secretary of Defense's prerogatives and authorities under the law to be in the military chain of command.

Q This email -- so when you look at exhibit 8, and you can see who it got sent to -- it doesn't appear to have been sent to -- well, it wasn't sent to you. So if there had been an inaccuracy in it, you wouldn't have had an opportunity to email back and say that summary is inaccurate. Is that right?

A If I'm not copied on an email and therefore have not read it, I would not have had a chance to correct an inaccuracy, that's correct.

Q And it doesn't appear to have been sent to any of the operational folks that evening. It looks like it's an OSD policy sort of list, and it doesn't appear to include Vice Chairman Winnefeld or General Kelly or any of the individuals, General Dempsey, that we had discussed. Is that right?

A That's correct.

Q So is it fair to say that whatever this summary is from this SVTC would not have impacted the actions of the operational folks in any way?

A It would not have and it did not.

Q You said in the last round that you didn't recall the YouTube

video being mentioned at the SVTC. Is that right?

A I don't remember that being a topic of discussion. But I do remember it being a discussion elsewhere in the Pentagon. I think I put a pointer down saying we should probably revisit that.

Q Yes, and so I was going to. Do you want to explain what that was that you were referencing?

A I recall on September 11, and I don't remember exactly when it was, or just before, or just as these events were happening, General Dempsey saying to Secretary Panetta, and I was there, I heard him say this: Hey, there's this video that's circulating on the Internet that denigrates Muslims and is concerning because it could potentially inflame anti-U.S. sentiment.

And he suggested strongly that our commanders, including General Allen and others, would be concerned if this video went around the Internet. And he was stating it as a concern, but also as his analysis of what might be brewing in the region. There had been some reports of unrest in Cairo and so forth. And so it was one of the things that General Dempsey was focusing on.

At some point we had a conversation, the Secretary and Chairman Dempsey, and I was participating in this, and I don't remember if it was the same meeting that ran from 6 to 8 p.m. or if it was a separate discussion at some point, that previously, when this Pastor Jones character had done some things -- I don't remember, to put Muhammad on trial or some such goofy thing, that serious but, you know, strange thing -- that Secretary Gates had actually reached out to the pastor

[redacted]

and asked him to cease and desist, and that a call from a senior government official responsible for the protection of United States military forces around the world might appeal to someone even as wrongheaded as that. And so there was some discussion that the leadership of the Department of Defense should similarly reach out to Pastor Jones and tell him to take this video down. And -- shall I continue with what occurred?

So the way the decision was made was General Dempsey was going to make an initial effort to reach Pastor Jones, and our view was if General Dempsey wasn't successful or we thought it might be necessary, we'd come back and potentially
have the Secretary come in second. But General Dempsey was going to take the first crack.

So I recall we searched around, we in the Department of Defense searched around for a contact number for Pastor Jones. And I don't remember where we got a phone number from, but a phone number was produced. My recollection is that General Dempsey placed a phone call, and it was, like, a voice mail or it was an answering machine. It was a little unclear if it was Pastor Jones or if it wasn't or if the line was monitored or not. And I don't remember exactly what we said after the beep. But we tried to get through and no one answered the phone. And it was basically left at that.

If the person called back, then potentially we would've had General Dempsey talk to him, but no one ever called back. And I think later, subsequently, we learned that actually Pastor Jones wasn't the

[redacted]

[redacted]

producer of the video, or maybe he was potentially promoting it, but that he was tangential to the video.

Q And I just want to clarify so that you don't get misinterpreted. I think you said the video, the YouTube video, was something that General Dempsey was focused on. And I just want to be clear, the thing that he was primarily focused on, on the night of the attacks, was moving forces to save our citizens in harm's way, that this was a sort of secondary, later focus?

A Thank you for clarifying that. Yes, that's correct.

Q And so this would be something that he brought up and came into account in a sort of discussion of other concerns in the region as you guys were holistically trying to preplan for additional concerns in the region. Is that accurate?

A Correct.

Q And did you consider General Dempsey's concern related to the video to be political in any way related to how to win an election?

A Absolutely not.

Q Was his concern solely to -- as a leader who was concerned about the potential harm to U.S. personnel and interests overseas?

A His singular focus as a career United States Army military officer was the national security of the United States of America.

Q I want to switch over to exhibit 9. That's the Denis McDonough email.

[Bash Exhibit No. 9

Was marked for identification.]

[redacted]

[redacted]

Mr. Shapiro. We're there. Thank you.

BY MS. SACHSMAN GROOMS:

Q So the email is from Denis McDonough to a number of individuals, including yourself, Admiral Winnefeld, John Brennan, and Wendy Sherman from State, Jake Sullivan from State. In the first line he says: "Sending on this system a very cursory -- and where necessary cryptic -- update, now about an hour old."

So the email was from 11:45 p.m., and he's sort of alerting that the information in it seems about an hour old. Does that sound accurate?

A Yes.

Q And does he mention anywhere in this email the idea that the White House needs to approve the movement of the military forces?

A Permit me to read it for a moment.

Q Sure.

A I don't see any reference here to White House approval of the deployment of military forces.

Q And does Denis McDonough seem to have any concern or discussion in here about country clearance?

A I see no reference to country clearances in his email.

Q He also in here describes -- he describes the military response as, and I quote, "On our people in Libya" -- it's sort of short -- "On our people in Libya, the Joint Staff is deploying three sets of teams into the region appropriate to the mission," and then in parentheses, "(s)."

[redacted]

[redacted]

It appears from my read that he's both being short because here's on an unclassified system, from his initial sort of statement, and because the Joint Staff was moving forward with action and it knew what it was doing. Does that sound accurate?

A (U) Yes. And I'm fairly confident that the three teams he was referring to were the FAST teams, of which there were actually two FAST teams; the Commander's In-extremis Force; [redacted]

Q [redacted]

A [redacted]

Mr. Hudson. Can we just go off the record for 1 minute.

[Discussion off the record.]

[redacted]

[redacted]

BY MS. SACHSMAN GROOMS:

Q Go ahead.

A [redacted]

[redacted]

[redacted]

Q So you said during the last round that diplomatic clearance was not one of the factors that caused any delays the night of the attacks. And then you sort of said that there were some things that worked together that caused the Department of Defense not to be able to respond. And I think you were referring to airlift capabilities and other things like that.

I just want to give you the opportunity to sort of, if you want to, answer in full sort of what that is that you were thinking of.

A [redacted]

Some have suggested in the context of this interview and I've heard in the media that the delays had to do with stand-down orders or countermanding orders or diplomatic clearances or activities by the State Department. That is absolutely not the case.

In my understanding, the reason that the FAST team did not leave

[redacted]

[redacted]

Rota, Spain, [redacted] is that that team did not have an airplane with it that could fly it to Libya. And as I stated earlier, a helicopter could not get you to Libya from Rota, Spain, unrefueled. So you need an airplane. You need a C-130.

The C-130s that were available were located, it turns out, in Ramstein Air Base in Germany. So the operation required sending the C-130s that were in Germany to Rota, Spain, to take the FAST team and then to fly to Libya.

Now, it turns out that by the time the airplanes from Ramstein arrived in Rota, Spain, and by the time they were loaded up and ready to go, all Americans had left Benghazi. So there was nothing left to go after in Benghazi. And so their destination ended up being Tripoli. And they went to Tripoli and landed there that next afternoon, and there they stayed for quite some time.

So when people go through the timeline and suggest all kinds of things could have delayed or did delay the response to the events, I always want to make sure people are accurately reflecting the facts of what happened.

Q And that sort of issue of collocating the airlift capabilities was part of the sort of lessons learned that the Department of Defense did after the incident and as they've made efforts to start collocating airlift capabilities. Is that accurate?

A There were a lot of lessons learned from this incident. There was an after-action review of what we could have done better, how to improve our response times, how to make sure that our quick

[redacted]

reaction forces all around the world are postured to respond to crises. And I recall hearing a lot of discussion about the collocation of aircraft that can take quick reaction forces long distances.

I left that position in February of 2013, and I don't recall hearing from outside of government how some of these issues were resolved, and it's possible I would not have heard. But my understanding was that that was going to be an issue that the Department was going to be addressing.

Q So at this time, I'm going to switch topics. I'm going to ask you a series of questions that we ask every witness that comes before us. What I'm asking for is not an opinion, it's just whether you have firsthand information. So I'm going to ask you whether you have any evidence in the series of allegations that have been made.

A Okay.

Q And if you don't, we'll just move on to the next one.

A Okay.

Q And there's about a dozen, so please bear with me.

It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that, quote, "Secretary Clinton told Leon to stand down," end quote, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

[redacted]

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A She did not.

Q So that's a no?

A No.

Q Okay. It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring of 2011.

Do you have any evidence that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring of 2011?

[redacted]

A No.

[1:35 p.m.]

BY MS. SACHSMAN GROOMS:

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," end quote, and that they found, quote, "no support for this allegation," end quote.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A No.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but that instead there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order

[redacted]

to CIA personnel?

A No.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that in the course of producing documents to the Accountability Review Board, damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to the ARB?

A No.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No.

Q Let me ask the questions for Congress, documents provided to Congress.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from the materials that were provided to Congress?

[redacted]

A No.

Q It has been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," end quote.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No.

Q It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged that the President of the United States was virtually AWOL as the Commander in Chief on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the

President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Houses Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down ordered issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No.

Q It has been alleged that the military failed to deploy assets on the night of the attacks that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, who is the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly

[redacted]

it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A No.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decide not to deploy?

A As I previously stated, no.

Ms. Sachsman Grooms. Let's go off the record.

[Discussion off the record.]

Mr. Chipman. Back on the record.

BY MR. CHIPMAN:

Q Mr. Bash, you've been very patient over the course of the last nearly 5 hours in answering questions from both Members and staff. I mentioned in my last 10 minutes that I was going to try to clear up the record in the remaining hour of questioning that I wanted to do to get some better clarity on some issues that you were asked both by Chairman Gowdy, other Members, minority staff, and perhaps my earlier questions as well. So that's my goal in this session, and I promise to have you out of here within the next hour.

And you had mentioned what you look at for the national security apparatus. You consider yourself fairly well versed in the national security apparatus by virtue of assignments, experience, and your

[redacted]

[redacted]

current location as well.

A Yes.

Q So that's the kind of issues that I want to explore a little bit with you in this hour. And I will talk about this from a perspective of conspiracy, coordination, and competence. There are some who have attributed Benghazi from the outset to a conspiracy. That's not an area that I will explore with you this afternoon.

There are issues that relate to coordination, and I think one of the examples of coordination would be the email that you sent to your colleagues at the State Department at 7:19. That's coordination between the Defense Department and the State Department trying to level the playing field or level the bubbles, as we might say.

And then the third issue is competence, and I don't mean by that whether you're good or bad. I mean by competence whether if it's an issue within your lane to work. And so you were asked a range of questions about diplomatic clearance. I don't think you were discharging that particular function for the Department on the night of 9/11/12, unless I'm missing something?

A You're correct.

Q But there is an issue of clearance, and I'll try to make sure I can understand and clarify the record on that particular issue.

So I talked a little bit about, you know, and you had mentioned, you didn't see these as two distinct issues, the threat to the missing Ambassador and what might occur elsewhere around the region, but it's certainly an issue that both Secretary of Defense Panetta and Chairman

[redacted]

[redacted]

Dempsey would have been concerned about as 9/13 -- 9/12 and 9/13 approached, correct, in that particular timeframe --

A Yes.

Q -- 9/12, 9/13 to follow? So were you tracking the intelligence that had come in on the Cairo protest as that occurred?

A I don't exactly recall what intelligence we saw, but I recall hearing around that timeframe about Cairo protests. I don't remember if it was from open source or from sensitive sources or how we learned about it.

Q And do you recall anything specific that you may have learned that you can recall at this point?

A I don't.

Q Okay. From your time both at the Agency and with the Defense Department, and time, perhaps, in prior assignments, have you ever had any experience with the Counterterrorism Security Group, the CSG?

A Very little.

Q And how about with the Foreign Emergency Support Team, or FEST?

A I don't really know if I know what they did. I recently read some testimony to prepare for today, public testimony that made reference to it, and it refreshed some of my memory, but it's not something I'm really familiar with.

Q But it wasn't part of your recollection of the duties you performed at the time supporting Secretary Panetta that the FEST was

[redacted]

[redacted]

ever discussed?

A Correct.

Q And were you aware that the asset that is used by the FEST [redacted] Was that ever something within your knowledge or experience?

A I don't remember if I knew that.

Q Okay. And do you have any recollection at this point that either the Counterterrorism Security Group or the FEST were involved in response, the U.S. government response to Benghazi?

A I don't know if they were or not.

Q Okay. You mentioned at the time, on the evening of 9/11, that Under Secretary for Policy Miller was unavailable due to a family commitment. Would he have been in your stead in communicating with the State Department that evening, or would you have still sent that email to your colleagues at State?

A He would have been primary on any interagency coordination. And it's hard to say, in hindsight, whether he would have sent my email. I don't know that I can say that definitively. But he would have been the lead for communicating with officials at the State Department, or at least he would have been an important channel for communicating with officials at the State Department about what the United States military was doing that evening.

Q And perhaps my question was unartful, but would you have had the function of doing the interagency coordination or liaison had Mr. Miller -- Dr. Miller -- been present that evening?

[redacted]

[redacted]

A I might have played some role because oftentimes I did play a role of cutting through bureaucracy and working secretary-to-secretary issues in the interagency, and so it's hard for me to know with precision. But a major role of the under secretary of defense for policy was that interagency coordination. And I suspect that had he been there, he would have done a lot of those things.

Q There was some testimony in my colleague's prior hour of questioning talking about the deployment of a couple of DOD personnel from Tripoli down to Benghazi. And at the time, you indicated that you were unaware of that particular element and that the Secretary was unaware of that particular element. But I want to make sure that the record is clear on what we believe to have been their role. We've had testimony from an individual who was part of that team. And our understanding is that those forces -- those two people, not a force, but those two people were in fact in a Title 10 deployment status at American Embassy Tripoli. Do you have any information that contradicts or counters that?

A I don't have any information about what their status was.

Q [redacted] was at their own initiative, their own volition, but that they in fact sought approval from their chain of command to do so?

A I'm not familiar with what they did.

Q And whether or not that issue reached the Secretary of

[redacted]

[redacted]

Defense for approval is not something you know either?

A I'm quite certain it did not.

Q It did not. Okay. So they moved to the sound of the guns in the great tradition of soldiers responding to someone in harm's way, and for that, you think they should be commended?

A I like that description.

Q There was some discussion in the first hour about the chain of command, about Principals with a capital "P," and about the National Command Authority -- perhaps we didn't get into National Command Authority. But is your understanding that the National Command Authority itself is the President and the Secretary of Defense and no one else? This would be a function of a proper civic education in America.

A Yes. I would relish the opportunity to attend a 2-week course at the National Defense University on what the precise definition of the National Command Authority is. But my understanding is that the National Command Authority actually refers to the President, and that the chain of command runs from the President to the Secretary of Defense to the combatant commander.

Q Okay. I would agree with your characterization of the chain of command. We'll have to return to the issue of what the National Command Authority might be.

But having said that, for purposes of the discussion earlier, you discussed the chain of command from the President through the Secretary of Defense through the commander of AFRICOM and then on down?

[redacted]

[redacted]

A Yeah.

Q But those were not the principals that were in the email of 7:19 p.m. that we've been talking about.

A The other Defense Department principals included the Chairman, the Vice Chairman, and as I mentioned, it may have also included the senior military assistant to the Secretary of Defense.

Q But these were not principals from across the interagency. So, for example, was the DCI, the Director of Central Intelligence, or the Secretary of State or anyone else, Tom Donilon as the National Security Advisor, was that encompassed within the universe of principals to which you were referring in that email?

A No.

Q You mentioned the FAST deployment timeline, and you said that they did not have aircraft collocated at the time. [redacted]

A Yes. And there's a chart from the Defense Department, which was marked previously as exhibit 4, [redacted]

Q So there are two FAST platoons that were alerted here. [redacted]

A That's what the Defense Department force posture laydown looks like, according to exhibit 4.

[redacted]

[redacted]

Q But their ability to thereafter be deployed to any location is fully dependent upon the availability of aircraft to do that?

A Well, I would only caveat that in that if there was an operation that had occurred in Rota, Spain, they probably wouldn't need aircraft, but any place that required aircraft, they would need aircraft.

Q That's a fair observation. I agree with that fully. But to go from Rota, Spain, to Benghazi or Tripoli, Libya, would have required either a maritime asset, one aircraft?

A Yes, sir.

Q The SVTC that has been mentioned earlier, the 1900 or 1930 SVTC, 7:30 that evening, do you recall whether the CIA, the DCI had a representative at that SVTC, if you can recall?

A I don't recall exactly. I have an impression in my memory that one of the boxes on the screen was the Agency, but I don't remember if it was headquarters or if it was someone in the field or who it was.

Q Would that typically have been the case at a Deputies Committee SVTC that the Agency would have a representative at that SVTC for national security issues?

A A meeting or a SVTC, yes.

Q At that SVTC, correct?

A Yes. The CIA would traditionally have a representative at a Deputies meeting or a SVTC.

Q At a Deputies meeting or a SVTC?

A Yeah.

[redacted]

[redacted]

Q Could that deputy then, could that have been Michael Morell that would have attended that SVTC, or would it have been typically someone else?

A It depends on the issue. Many times in a meeting the Deputy Director did attend, but there were also plenty of times when there was a Deputies meeting or a SVTC when that responsibility was handled by, say, the Counterterrorism Center or one of the other operational or analytical elements.

Q By the time the SVTC was convened, we were then already aware that the attack at the TMF, or the Temporary Mission Facility, had subsided and that everyone had moved over to the CIA Annex. Does that refresh your recollection as to whether or not DCI had a presence at the SVTC?

A I don't remember knowing that at the time, and it doesn't refresh my recollection as to whether DCIA had a presence at the SVTC.

Q And how about DNI, or ODNI, do you know if you can recall at this point whether the Director of National Intelligence had a representative present at the SVTC?

A I don't know.

Q Did you at some point review a manifest of individuals who attended the SVTC?

A Well, this morning, in preparation of coming up here, I saw some email traffic that suggested some people who participated, but not before today.

Q Okay. I would like to mark as exhibit 10 the "Readout of

[redacted]

[redacted]

the President's Meeting with Senior Administration Officials on Our Preparedness and Security Posture on the Eleventh Anniversary of September 11th."

[Bash Exhibit No. 10

Was marked for identification.]

BY MR. CHIPMAN:

Q Have you had a chance to review that, at least briefly?

A Yes.

Q When the President heard from key national security principals, were you present with Secretary Panetta during that, what appears to have been a call on the 10th?

A Yes, I was.

Q And do you recall, as a result of that, the Secretary or the Chairman directing any adjustments to our force posture, either in the Middle East, North Africa, or elsewhere?

A I don't recall any adjustments as a result of that phone call, just that the phone call was that we were carefully monitoring threats to U.S. personnel, installations, facilities, and that there was no specific information or intelligence or warning about a particular threat.

Q Fair enough. General Dempsey and Secretary Panetta testified before the Senate Armed Services Committee on 7 February of 2013, and I'd like to ask you a couple of questions about comments that were made either by the Secretary or General Dempsey at that hearing. So if I could pass out exhibit 11 please.

[redacted]

[redacted]

[Bash Exhibit No. 11

Was marked for identification.]

BY MR. CHIPMAN:

Q My first question is from page 53. It about three-quarters of the way down the page. It's a statement from Secretary Panetta following a question from Senator Cruz, and the latter phrase is, "-- we both went back to the Pentagon," and that would be, I believe, the Secretary and Chairman Dempsey, "and immediately I ordered the deployment of these forces into place."

And to the best of your recollection again, and I know we've covered this a few times already, but was that direction from the Secretary issued, if you know, closer to 6 p.m. or closer to 8 p.m. or do you know?

A My recollection is that it was a rolling set of discussions and discussion about what forces could be available. I don't remember precisely when the decision was finalized on a deployment. I had a sense by basically within the hour, within the time that I sent that email, now I see that the Secretary was leaning forward and was likely going to do it, and I know the way he thinks. I knew he was probably going to do it, and it's possible he had done it by that time because I had been in and out of the meeting. But I don't have the specific times committed to memory of when those deployment decisions were made.

Q If I could return your attention to exhibit 1, the decisions and events timeline, page 2 of that, at the second bullet entry. The timeframe is 8:02 p.m.

[redacted]

[redacted]

A Uh-huh.

Q And it indicates "General Ham's initial guidance after discussion with SecDef," again, issued at 8:02 p.m., "moved the CIF," a Commanders In-extremis Force, "from Croatia to Souda Bay, Greece."

Do you recall the discussion as to whether Souda Bay or Sigonella would be the location to which assets were directed?

A I don't recall that conversation.

Q Okay. So no specific direction from the Secretary. The Secretary's direction was move, but the decision as to where to move particularly was left to General Ham or the Joint Staff or someone beneath the Secretary?

A I don't remember that exactly, but I can tell you the way General -- excuse me -- I can tell you the way Secretary Panetta operated. He would have deferred to the judgment of the senior military leaders on where the intermediate stating base would have been best.

Q Okay. And if I could continue from the Senate hearing. On page 76, middle of the page, Secretary Panetta is quoted as responding to a question from Senator Ayotte. "We had alerted all of these task forces to be in place, to move in that direction, and they were moving to get there. The problem we had...is again the issue of time and distance and being able to move them quickly enough to respond before the event was over. That just was not the case."

And that's your recollection of his testimony then and his testimony publicly and what you have known to be the case?

[redacted]

[redacted]

A Yes. I'm not sure what the phrase "that just was not the case" is responding to, but the thrust of the paragraph and the answer is correct.

Q Fair enough. I understand the additional clarification.

And so if we go back to exhibit 1, the timeline of key events and decisions?

A Exhibit 1, yes, sir.

Q I'm sorry, exhibit 1. There are -- on, again, page 2 -- there's a reference of a conference call, a Benghazi conference call conducted by the National Military Command Center. Were you aware of that conference call?

A I've seen it on the timeline for a very long time, so I don't know if I was aware of it in real time or if I knew about it shortly thereafter when the timeline was produced.

Q Fair enough. And were you a participant in that conference call?

A I don't believe I was.

Q And then it appears, the next entry indicates at 8:39 p.m., the National Military Command Center transmitted formal authorization for the two FAST platoons that had been discussed previously and for the EUCOM Special Operations Force to move to an ISB in Southern Europe.

[redacted]

So based upon that unclassified timeline, those two entries, was

[redacted]

[redacted]

it your understanding that the forces directed were moving to an ISB as opposed to moving directly into Libya?

A My recollection from a lot that I've read since that time, which informs my memory here, because I've read books and testimony, is that they -- that the CIF [redacted] were going to be going to an intermediate staging base, but that the two FAST platoons were going to be going directly into Libya.

Q Okay. But with respect to the CIF [redacted] the intent of the Secretary, as reflected in the orders issued to these forces, was that they each move to an intermediate staging base --

A I don't --

Q -- not to move directly into Libya?

A Just to clarify. I don't know that in his order, in his verbal authorization, he verbalized the ISB. His style and his approach would have been go, make it happen. It's not his style to say go to this staging base and go here and go there, that he would rely on the senior uniformed military officials to execute the order consistent with his intent.

Q So from your perspective, from your knowledge of Secretary Panetta and from working with him in this period of time, several years then, he would have given the general guidance and relied upon his senior military leaders to issue the specifics?

A Again, now, if there was a specific issue that they needed him to make a decision on, he would certainly not shrink from the

[redacted]

[redacted]

decision. And it's possible that he was specific about use of intermediate staging bases. I don't recall him being that specific about it. I recall there being some conversation about it, and I recall that being part of the execution plan.

Q Were any notes taken during the meeting between 6 and 8 that would give better fidelity or clarity to what was actually directed by the Secretary that evening?

A I don't know.

Q Did you take notes yourself?

A I don't remember.

Q If you had taken them, would they be available to the committee at this point?

A Well, I don't have them, so I don't know how -- let me back up. I don't have any notes from when I worked in the Defense Department, so --

Q Okay. That's all I --

A Yeah.

Q That's all I was asking.

If we could continue back in the SASC hearing exhibit. There is a comment on page 79 by General Dempsey: "I want to assure you, had we been able to -- there has been a whole bunch of speculation about we were risk-averse, we needed the country's permission to come in. If we had been able to get there with anything, we'd have gone in there under the command of the Commander of AFRICOM?"

And is General Dempsey's statement on page 79, is that consistent

[redacted]

[redacted]

with your understanding of the role of the combatant commander, here the AFRICOM commander, with respect to the authorities under which he could execute an operation? My question was --

A I'm not the world's expert on the J-3 -- the J-3isms. So I need to defer to some expertise inside the Joint Staff.

As a general matter, a military operation in a combatant commander's AOR is under that combatant commander's direction and control. This is a situation in which forces were deployed from other geographic combatant commands, from U.S. European Command, [redacted]

So I think the thrust of what General Dempsey is saying is correct. Someone could refine it a little bit by stating that there were also roles and responsibilities as a supported element -- or a supporting element, I should make clear, a supporting element -- that these other combatant commands had a supporting role to play to the combatant commander of United States Africa Command.

Q And so it'd really be a matter of whether the orders actually altered the command arrangements that were in effect or force. So, for example, that order from the National Military Command Center could have said: European Command, your CIF has now been chopped to the command of Africa Command. Is that fair to say?

A That seems logical that that's the way it would be done.

Q [redacted]

[redacted]

[redacted]

[redacted]

Q During the time that the CIF was being alerted to deploy and awaiting aircraft for deployment, were you given any update on the timeline for that deployment with respect to when they were expected to go from Croatia to Sigonella?

A I don't remember.

Q Do you remember if the Secretary, Secretary Panetta, had any update during the period that the crisis was unfolding with respect to the timeline of any asset movements?

A I don't remember how General Kelly or others kept him updated. I remember later that evening -- we haven't talked about this yet -- later that evening General Ham came back to the Secretary's office, and we did a level set on the status of everything, and he and General Ham discussed where things stood in the response. I don't recall the specific content of the conversation, but it was an update of sorts, and I don't remember exactly what time that was.

Q And so in the same hearing, and it may have been General Dempsey that said it more precisely, he talked about the timeframe that would influence a response. And so there's the time of notification

[redacted]

[redacted]

to deployment, and then there's the transit time in the deployment.

Is it fair to add a third timeframe from when you learned of the incident or when you know of the attack to when the notification is given? Is that a fair addition to that timeline?

A I think it's fair, but I also just want to make sure we have all the -- we have context here, which is that this is an incredibly unique sui generis situation in which the event is happening in real time. It almost never happens -- in my case, never happened but one time. So in most cases that element is immaterial, but one could analyze whether it's material in this case or not, and that's where you have to go back to the timeline and see whether or not that delay that you referred to would have made a difference.

Q And for purposes of this question, and you talked about a series of positing steps in the prior round of questioning, and I would posit that from my perspective, having looked at all the materials over the last 18 months, we could not have affected the response to what occurred by 5:15 in the morning on the 12th of September in Benghazi, Libya. So let me start with that positing or that stipulation.

And so what I'm trying to get at is, again, this idea that the apparatus that considers, deliberates, and deploys forces in a crisis has to absolutely be nimble and responsive to issue the appropriate decisions. Would you agree with that?

A Yes.

Q And that's where the people who are within the communities with which I served and who have talked to me about their perception

[redacted]

[redacted]

of the response here, they believe that there was a shortfall in that timeline, and that's what I'd like to explore with you a little bit.

A Yes, sir.

[redacted]

[redacted]

Q So at 4:30, if the NMCC is notified of the crisis, if at 6 the President has already directed the deployment of DOD assets, if by 8 General Ham is issuing his initial guidance to deploy forces from here, Croatia, what causes me some confusion and, frankly, a lack of understanding, is why then that notification period was slipped another 3 hours at 11 p.m.? And do you have any explanation or clarification or context for why that delay occurred?

A I don't.

Q And nor did Secretary Panetta when we asked him that during his interview. And so I was trying to figure out whether anyone was giving him a real-time update, again, on this asset timeline response.

A My general sense is that he was receiving updates. I don't think the updates included or would not have typically included the time in which an order was transmitted or when an hour clock began. Those aren't typically the things that he would focus on in an update. The kind of things that he would typically focus on in an update is: What do we know about what's happening on the ground? Are our forces moving to the objective?

Q No, that's fair, and I understand that that would have been the level of the Secretary's interest typically in understanding the response to a crisis. We brought in Director Petraeus, who said that as he was looking for updates in real time, he was calling the National Security Advisor, Tom Donilon.

Would the NSC, the National Security Service or the NSC apparatus at the time, would they have had an understanding of the real-time asset

[redacted]

[redacted]

response timelines that were in effect?

A I think the best source of information about the response times of U.S. military assets would be the Joint Staff.

Q The Joint Staff. And would the Joint Staff have conveyed that response timeline to the White House Situation Room or the NSC Ops Center or whatever entity was centrally managing and leveling all the information available in a crisis?

A Maybe, but, again, this is such a unique situation that I'm not sure there was a standard playbook for who would be the central coordinator or level setter of that type of information. But that type of information was really within the purview of the J-3, and the J-3 and those who issue deployment orders at the Secretary's direction would be the ones who would know that granular level of detail about an hour and deployment times and such.

Q And that's why I was trying to figure out, you know, whether the White House would have known this, because in part, if Secretary Petraeus was looking for kind of an update on what's moving to the region from Tom Donilon, obviously Mr. Donilon needs to know that. And so if he doesn't have that information, then I would suggest that maybe Director Petraeus should have been calling Secretary Panetta for that update, and yet we have Petraeus saying: I never called the SecDef, I talked to Tom Donilon. And I was interested in determining what the military response was doing.

A In an ideal situation, everyone has the same facts.

Q I'm sorry, could you say that again.

[redacted]

A In an ideal situation, everyone has the same facts. Sometimes in a crisis there's a little bit of a lag, but ideally you work to make sure everyone has the same facts.

Q And I think that's reflected in what you did to try to coordinate with your colleagues at State in that 7:19 email. So I agree fully that, you know, the focus of it, ensuring we all have the same facts. But doesn't that suggest there ought to be a single centralized node managing the whole of government response to the crisis as it was unfolding?

A Yeah, that's typically something that we say is handled by the interagency, which is a concept, not an entity. It's a mode of working. It's not a locus of effort.

So I take your point that there might be some validity to having some locus of activity in the interagency. I would, for blue skying this and asking what I would suggest, is I would like to see the Joint Staff remain the holder of the information and then communicate that out to other departments and agencies that require it.

Q And that's a fair observation, and that's what -- I mean, I don't think we need to create a new entity to manage this. We've got plenty of operation centers. We've got plenty of nodes in a crisis. But somebody has to be the central repository where you can go to to get real-time information as the crisis is unfolding, what's moving where, who's working this.

And so I would suggest that the issues that have been reflected in part in the exploration this morning and this afternoon reflect what

[redacted]

appears to be more of an ad hoc response -- with people working as fast as they can -- but more of an ad hoc response than a playbook response.

A And I would add to that that the Deputies Committee process tends to be that locus of information sharing, that SVTC function or that meeting function that happens in a crisis.

I can imagine just for a moment, just to take a crisis that has happened recently, in the last 24 hours, the situation with the military boats that were taken into Iranian territory, I can imagine, I don't know for a fact, that there were several interagency discussions, because it required coordination between the United States military, the Department of State, intelligence community, and others, and I presume that the apparatus for doing that, to borrow your phrase, the apparatus is that Deputies Committee process.

Q [redacted]

[redacted]

[redacted]

Q [redacted]

A Uh-huh.

Q [redacted]

[redacted]

[redacted]

[redacted]

A Right.

Q Is that a fair statement to at least think about?

A Yes.

[redacted]

[redacted]

Q [redacted]

A You're focussing on exactly the right things. Those are the right questions to ask about the ability of a force that's been identified to deploy to another continent: How is that force going to get there?

Q Right.

A And that has to do with planning and it has to do with our force posture and all the right things that should be scrutinized and analyzed. I couldn't agree with you more that these are vitally important. I fully subscribe to the theory that you don't have to buy into the conspiracy theories to be concerned about this issue. And, in fact, I think an elucidation of this issue, hopefully, will debunk some of the conspiracy theories.

Q If we can debunk conspiracy theories, the committee would be very much obliged.

A Applauded.

Q As we look at just some wrap-up issues, if I could, I'd like

[redacted]

[redacted]

to have this exhibit marked the next in sequence.

[Bash Exhibit No. 12

Was marked for identification.]

Mr. Chipman. This is an email. It's -- the number is Request1-000030, Intelligence Book 7-004. It's an email from Victor G. to Vincent J., is the middle email. Above that, it's from Vincent J. to Brian O.

Sir, you're not on this string. If you could mark this next exhibit in order, which I think is 12?

Ms. Betz. 12.

BY MR. CHIPMAN:

Q [redacted]

And so if you look at the top of page 2, there is -- the first tick or the first bullet says: "There are 4 CIF teams heading to Croatia. They will be turned around there and redirected to Sigonella (or maybe Souda Bay -- still to be worked) as soon as crew rest permits."

During your time working this issue as part of the Secretary's team, was there any discussion of crew rest having affected the deployment of the CIF from Croatia down to Sigonella?

[redacted]

A No. And that bullet does not comport with my knowledge of what happened. This bullet seems to refer to four CIF teams. Maybe that's a reference to the four elements that we've been talking about, maybe it's garble. It also refers to them heading to Croatia.

My understanding is that the CIF was in Croatia. And this idea of turned around there and redirected to Sigonella, I'm not aware of any element that was going to be going to Croatia and then turned around to Sigonella, and turned around isn't even the right phrase. And the crew rest thing is nothing I've ever heard of. So there are about seven or eight things in this SITREP that seem wrong.

Q Sir, and the committee shares your understanding of several inaccuracies in this particular assertion, but we have seen this document and one other where the issue of crew rest is discussed. And so really my question to you is only, did you recall any discussion or concern over crew rest affecting the CIF's deployment timeline? Because, again, the committee is looking to determine what caused the delay in launching the CIF from Croatia down to Sigonella.

A I'm not aware of crew rest playing any role in anything related to Benghazi. The first I've ever heard of this crew rest issue is just right now, and if it is even an issue.

Q Yeah. Fair enough. As we talked earlier, you had mentioned that, again, what concerned Secretary Panetta and Chairman Dempsey at the time was not only locating a missing ambassador with a fire ongoing, with a missing ambassador, with the idea of earlier events in Cairo, what had unfolded in Benghazi, and what might occur

[redacted]

throughout the rest of the region the next day. And so was there any thought about trying to ensure that the CIF [redacted] was forward postured as quickly as possible, was that a topic of some discussion?

A I'm sorry, referring to before the events of 9/11 or --

Q Just as -- during that meeting, for example --

A Yeah.

Q -- from 6 to 8. Because, again, I've got the near fight, which is Benghazi, and as I've stipulated --

A Uh-huh.

Q -- I don't see any way to influence what occurred there. But what I am worried about is we're caught by surprise on 9/11, we've got nothing postured to respond in a timely manner -- and you can debate what's timely, what's untimely -- but nothing could have affected what occurred in Benghazi. And so my concern is, is the Department moving forward to try to posture things as quickly as they can knowing what's going to come on 9/12?

A I see where you're going with this. I think the whole force laydown and our ability to field quick reaction forces to respond to terrorism is critically important. It's one of the reasons why in the after-action report the Defense Department put a lot of resources behind this problem set.

As I stated earlier, I believe, as someone who has worked in national security, that the terrorist threat is growing, not subsiding, and I think having quick reaction forces that can deploy long distances

[redacted]

[redacted]

to protect U.S. personnel facilities, interests, and allies is critically important.

So I think your focus on other places where an in-extremis force might be needed in a crisis is exactly the right thing to be focused on.

Q But, again, these are resource decisions, these are priority decisions, and we don't have unconstrained resources, and we have priorities in other countries as well, correct?

A That's right.

May I just add something here? I think it's important for completeness of the record. If you said to me we're going to give you a dollar and you can spend it on something to protect our people, here's what I'd spend it on before I spent it on quick reaction forces. I just want to make sure it's complete.

I'd spend it on intelligence, number one, so we have warning.

Number two is I'd spend it on working with local forces. And as you know and as the committee knows, in most of the places where we have embassies and facilities we rely a tremendous amount on local security forces. It's just the reality of doing business.

Third, I would spend it on security at that facility -- personnel, weapons, gates, evacuation plans.

Fourth, and only fourth, I would spend it on an over-the-horizon quick reaction force. If you are worried about attacking facilities -- excuse me -- if you're worried about preventing the negative consequences of attacking facilities and you're investing in

[redacted]

[redacted]

quick reaction forces, I believe you're probably too late.

Q Okay. And I appreciate those priorities and that laydown, and that makes sense on the national security side of what you would invest in. And that's what the committee, as we've explored this issue, we've been confronted with concerns about the intelligence that we had and the focus on developing local Libyan sources.

[redacted] We've had concerns about the reliability of our host nation, whether militia or other supporting forces, and we've had concerns about the reliability of our physical security posture and our personnel security posture, both in terms of the numbers of agents in Benghazi and the facilities in which they were working.

And so the areas you've identified are ones that have obviously captured the committee's focus as well.

But, again, that's where we were on that night, and so we're trying to figure out the recommendations that we would have, again, the relative priority of additional QRF assets versus some other expenditure, and you've indicated some priorities there, and I appreciate that.

If you could mark that as the next exhibit in order.

[Bash Exhibit No. 13

Was marked for identification.]

BY MR. CHIPMAN:

Q The next exhibit I'm going to show you is an email from

[redacted]

Philippe Reines to Cheryl Mills. You're not on this email string. It's -- you're not on this email string. It's State-SCB0096527, and it's a mention of a conversation that you may have had with General Kelly and Philippe Reines. And if anything about this email jogs your recollection?

A Yes. Is there a specific question or you need me to explain?

Q I'm sorry. If you could just indicate to the committee what you recall from this email, if anything.

A At some point on the 12th we got a request from the State Department, and I don't remember if it originated with Philippe or it had just informally come through Philippe, that there was some confusion as to the coordination between State and DOD on the return of the remains of our four fallen heroes. And Philippe had reached out, I believe, and asked me if I thought we could be of assistance in just cutting through some of the bureaucracy, figuring out DOD could help get these four individuals back.

And I connected him with General John Kelly, the senior military assistant, the lieutenant general who was the senior military assistant to the Secretary, and they talked or they had some conversation, and at some point the conversation facilitated, I believe, a more streamlined way to do business for that situation. And the result was we were, of course, able to return those flag-draped transfer cases to Andrews Air Force base so they could be reunited with their loved ones at that ceremony, and DOD played a small role in facilitating that.

Q So essentially this was the equivalent of a dignified transfer of remains ceremony?

A Yes, that the President attended.

Q And if I could have the next exhibit marked, and this is number 14.

[Bash Exhibit No. 14

Was marked for identification.]

BY MR. CHIPMAN:

Q And this is an email from Victoria Nuland to Carl Woog. The number is State C05622935. You're cc'ed on this. And this was sent on Saturday morning of September 15 at 9:37 a.m. It refers to a request from George to convene the group to sort out a few things on messaging, re: Libya. And if you have a chance to -- have you had a chance to review that email?

A I'm looking at it now, but go ahead. I can answer questions about it.

Q Okay. Were you part of the messaging team that was working the OSD portion of the -- Office of the Secretary of Defense portion of messaging concerning Libya on the 15th, Saturday, at 9:35 a.m.?

A I was cc'ed on the email. That wasn't my primary role. George Little and his public affairs team was responsible for the public discussion of the situation in the Middle East.

Q Do you recall, Mr. Bash, anything specifically covered in the course of that group convening, if the group did convene that morning?

[redacted]

A I don't remember that I was on the call. I don't recall if I was or not.

Q Okay. Did you have any role in reviewing or clearing on behalf of the Defense Department the talking points that were ultimately prepared for the House Intel Committee?

A No.

Q Were you able to review --

A I didn't even know of their existence.

Q Did not know of their existence.

Your role in being cc'ed in this particular email would have been for the Secretary's awareness of this? Or what was your role for being cc'ed? Why would Mr. Woog have brought you into this email string?

A I don't know.

Q At any time, as the attack and the events that evening unfolded, was any part of the DOD timeline affected by the lack of a specific request from State for DOD support? There has been some discussion that General Ham reputedly said on one occasion: We were never asked.

From your perspective, working this issue for the Secretary that evening, was any part of our response affected by the lack of a formal request if there wasn't one from State?

A If I understand your question, no.

Q And I didn't state it particularly artfully, but there was no hesitation on DOD's part in fashioning a response based upon the lack of a formal request from State, if you can --

[redacted]

[redacted]

A You stated it correctly. There was no hesitation whatsoever by the Department of Defense for any reason.

Mr. Shapiro. DOD was not awaiting some formal request from State.

Mr. Bash. DOD was not awaiting some formal request from State and did not seek it, and any hypothetical request or nonrequest played no role in the speed with which the Department of Defense tried to rescue our people.

BY MR. CHIPMAN:

Q In terms of the coordination from DOD to State that evening, I know you had some contact with Mr. Reines, again, who was the State Department spokesperson, you had some contact with Jake Sullivan.

A Uh-huh.

Q You had the email to the group of folks about the proposed DOD response or the asset spinning. Was there anyone else from DOD, from OSD, that was also in contact with State Department leadership that evening?

A I don't know.

Q On the evening of 9/11.

A I've now reviewed accounts of the SVTC that purported to include OSD policy individuals, but I don't have a specific recollection of who was on the SVTC or who -- and I don't know who else was in communication with the State Department that evening.

Q Okay. With respect to the DOD capabilities that were available, would you have been the final authority for DOD in conveying

[redacted]

[redacted]

what was contemplated back to State? Would they have looked for you as the authoritative voice of what was available from DOD?

A No. But I don't want to leave the impression that there is such a thing as an authoritative voice.

Q Hopefully, the Secretary himself is authoritative.

A Yes.

Q And so the Secretary was -- this wasn't a principals-level SVTC nor Principals Committee meeting.

A Right, but there was no obligation to report back to State what was happening with our military response. Now, as an exercise in, you know, good lash-up, you want to have communications, which is what I think the SVTC played and Denis McDonough's emails and other emails to other folks played that played that role. But I was not some authoritative voice back to the State Department about what the Defense Department was doing or not doing.

Q I think you've been very clear in the prior testimony that you had no role in the discussion or deliberation of whether to deploy the FAST in civilian clothes or marine uniform, military uniform?

A Just to be precise, I don't recall that issue coming up on the SVTC. I recall hearing about it later. I don't recall it being a factor at all in the decision to deploy the FAST on the evening of September 11.

Q From your perspective, given the guidance that Secretary Panetta issued, would there have been an expectation that he had to go back to the President if he were inclined to execute either the CIF

[redacted]

[redacted]

or the NMF into Libya proper?

A No.

Q No. That the President's initial guidance was adequate to give the Secretary all the authority he needed?

A Yes.

Q And so he wouldn't be even required to the discussion of a concept by which we were going to enter Libya? It's a fairly broad acceptance of authority on the part of the Secretary. Would you agree with that?

A Yes, but it was appropriate, given the circumstances.

[redacted]

[2:42 P.M.]

Mr. Chipman. And the reason I ask, Mr. Bash, is my experience has been that we would always have a deployment direction and then we would have this period of time to prepare the actual kinetic option. And so we would get approval for the deployment. We would then spin. And we would then go back to the President and the National Command Authority with a request to execute the kinetic option desired. But your recollection on that evening was there would have been no such second step where SecDef consulted back --

Mr. Bash. I have seen it different ways, but I know in this case there was no requirement to go back to the President.

Mr. Chipman. We're off the record. Thank you.

[Whereupon, at 2:43 p.m., the interview was concluded.]

WILMERHALE

April 11, 2016

Howard M. Shapiro

+1 202 663 6606 (t)
+1 202 663 6363 (f)
howard.shapiro@wilmerhale.com

The Honorable Trey Gowdy
Chairman
The Honorable Elijah Cummings
Ranking Member
Select Committee on Benghazi
United States House of Representatives
Washington, DC 20515

Dear Mr. Chairman and Mr. Ranking Member:

With reference to the transcript of the interview of Jeremy Bash conducted on Wednesday, January 13, 2016, Mr. Bash has reviewed the transcript and noted the following typographical errors. We respectably request that the official transcript be modified to make these changes:

P. 10 - "getting around you" should be "gathering around you"

P. 10 - "run into a meeting" should be "running to a meeting"

P. 33 - "that obviously doesn't comport with anything I've experienced in the military, in my experience with the military. I served in the military." should be "that obviously doesn't comport with anything I've experienced in the military—, in my experience with the military—I did not serve in the military." To clarify: Mr. Bash did not serve in the military. He served as a civilian alongside military professionals at the Department of Defense.

P. 45 - "latch up" should be "lash up"

P. 45 - "well, I don't recall anyone saying that we had permission to rescue our people" should be "well, I don't recall anyone saying that we had to have permission to rescue our people"

P. 49 - "From the Department of Defense or the general?" should be "From the Department of Defense or in general?"

P. 53 - "maybe about an hour or something change" should be "maybe about an hour or something and change"

P. 58 - "a live" should be "alive"

P. 63 - "latch up" should be "lash up"

P. 63 - "latched back up" should be "lashed back up"

WILMERHALE

The Honorable Trey Gowdy, Chairman
The Honorable Elijah Cummings, Ranking Member
Select Committee on Benghazi
April 11, 2016
Page 2

P. 70 - "latch up" should be "lash up"

P. 70 - "email latch up" should be "email lash up"

P. 71 - "So it shocks me now at all that the email contains errors" should be "So it shocks me not at all that the email contains errors"

P. 72 - "intelligence community in others" should be "intelligence community and others"

P. 84 - "Sezwa (ph)" we believe should be "Central Africa" — though this is a bit unclear from the context.

P. 105 - "his current job on his job then" should be "his current job or his job then"

Thank you for making these changes.

Sincerely,

Howard M. Shapiro

EXHIBIT 1

This exhibit was not cleared for public release.

EXHIBIT 2

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMM.
REVIEWED FOR SENSITIVE INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.
C05890653 Date: 10/20/2015

STATE-SCB0060705-MOU

From: Bash, Jeremy CIV SD <Jeremy.Bash[redacted]
Sent: Tuesday, September 11, 2012 7:19 PM
To: Sullivan, Jacob J <sullivanjj@state.gov>; Sherman, Wendy R <ShermanWR@state.gov>; Nides, Thomas R <NidesTR@state.gov>
Cc: Miller, James HON OSD POLICY <james.miller[redacted]; Winnefeld, James A ADM JCS VCJCS <james.a.winnefeld[redacted]; Kelly, John LtGen SD <John.Kelly[redacted]; martin.dempsey[redacted]
Subject: Libya

State colleagues:

I just tried you on the phone but you were all in with S.

After consulting with General Dempsey, General Ham and the Joint Staff, we have identified the forces that could move to Benghazi. They are spinning up as we speak. They include a SOF element that was in Croatia (which can fly to Suda Bay, Crete), and a Marine FAST team out of Roda, Spain.

Assuming Principals agree to deploy these elements, we will ask State to secure the approval from host nation. Please advise how you wish to convey that approval to us. Burns/Nides/Sherman to Miller/Winnefeld would be my recommended course.

Jeremy

STATE-SCB0060705

C05890653 Date: 10/20/2015
STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMM.
REVIEWED FOR SENSITIVE INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 3

From: Bash, Jeremy CIV SD <[redacted]>
Sent: Tuesday, September 11, 2012 9:57 PM
To: Sullivan, Jacob J <sullivanjj@state.gov>
Subject: Any word from the hospital?

EXHIBIT 4

This exhibit was not cleared for public release.

EXHIBIT 5

THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1300

LEGISLATIVE
AFFAIRS

MAY - 1 2013

The Honorable Howard P. "Buck" McKeon
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I write in response to your April 17, 2013 letter to Secretary Hagel requesting a classified version of the Department of Defense (DoD) timeline of the attack on U.S. facilities in Benghazi, Libya.

The Department has made every effort to provide the Committee a comprehensive understanding of the Department's actions before, during, and after the attack in Benghazi. Specifically, the Department issued an unclassified timeline which captures significant DoD actions in response to the evolving situation in Benghazi. This timeline, which is attached, was supplied to Congress on November 9, 2012. The substance of this timeline was publicly released on November 10, 2012. In addition, the Department contributed to the National Counterterrorism Center's classified timeline dated November 13, 2012, previously provided to the congressional intelligence committees, congressional appropriations' defense subcommittees, and House and Senate leadership offices by the Office of the Director National Intelligence on November 14, 2012. The Department did not produce a formal classified timeline, but rather only draft working products to assist witnesses and briefers in preparation for numerous Congressional engagements. By practice, such draft working products are not distributed beyond DoD.

The Department has participated in numerous staff and Member engagements including classified briefings to Committees of jurisdiction. The Department has also responded to dozens of written requests for information in an effort to provide Congress a detailed chronology of the Department's actions surrounding the attack.

The Department remains committed to accommodating Congress in its oversight responsibilities including your investigation of the attack in Benghazi. Please feel free to contact me for any additional information you may need.

Sincerely,

Elizabeth Lee King

Attachment:
As Stated

cc:
The Honorable Adam Smith
Ranking Member

Timeline of Department of Defense Actions on September 11-12, 2012
All times are Eastern Daylight Time (EDT, Washington, DC)
and Eastern European Time (EET, Benghazi)

Tuesday, September 11, 2012
EDT // EET

~3:42 pm // 9:42 pm	The incident starts at the facility in Benghazi.
3:59 pm // 9:59 pm	An unarmed, unmanned, surveillance aircraft is directed to reposition overhead the Benghazi facility.
4:32 pm // 10:32pm	The National Military Command Center at the Pentagon, after receiving initial reports of the incident from the State Department, notifies the Office of the Secretary of Defense and the Joint Staff. The information is quickly passed to Secretary Panetta and General Dempsey.
5:00 pm // 11:00pm	Secretary Panetta and General Dempsey attend a previously scheduled meeting with the President at the White House. The leaders discuss potential responses to the emerging situation.
5:10 pm // 11:10 pm	The diverted surveillance aircraft arrives on station over the Benghazi facility.
~5:30 pm // 11:30 pm	All surviving American personnel have departed the facility.
6:00-8:00 pm // 12:00-2:00 am	Secretary Panetta convenes a series of meetings in the Pentagon with senior officials including General Dempsey and General Ham. They discuss additional response options for Benghazi and for the potential outbreak of further violence throughout the region, particularly in Tunis, Tripoli, Cairo, and Sana'a. During these meetings, Secretary Panetta directs (provides verbal authorization) the following actions: 1) A Fleet Antiterrorism Security Team (FAST) platoon, stationed in Rota, Spain, to prepare to deploy to Benghazi, and a second FAST platoon, also stationed in Rota, Spain, to prepare to deploy to the Embassy in Tripoli. 2) A EUCOM special operations force, which is training in Central Europe, to prepare to deploy to an intermediate staging base in southern Europe. 3) A special operations force based in the United States to prepare to deploy to an intermediate staging base in southern Europe. During this period, actions are verbally conveyed from the Pentagon to the affected Combatant Commands in order to expedite movement of forces upon receipt of formal authorization.
~6:30 pm // 12:30 am	A six-man security team from U.S. Embassy Tripoli, including two DoD personnel, departs for Benghazi.

~7:30 pm // 1:30 am	The American security team from Tripoli lands in Benghazi.
~8:30pm // 2:30 am	The National Military Command Center conducts a Benghazi Conference Call with representatives from AFRICOM, EUCOM, CENTCOM, TRANSCOM, SOCOM, and the four services.
8:39pm // 2:39 am	As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization for the two FAST platoons, and associated equipment, to prepare to deploy and for the EUCOM special operations force, and associated equipment, to move to an intermediate staging base in southern Europe.
8:53pm // 2:53 am	As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization to deploy a special operations force, and associated equipment, from the United States to an intermediate staging base in southern Europe.
~11:00 pm // 5:00 am	A second, unmanned, unarmed surveillance aircraft is directed to relieve the initial asset still over Benghazi.
~11:15 pm // 5:15 am	The second facility in Benghazi comes under mortar and rocket propelled grenade fire.

Wednesday, September 12, 2012

12:05 am // 6:05am	AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Americans.
~1:40 am // 7:40 am	The first wave of American personnel depart Benghazi for Tripoli via airplane.
~4:00 am // 10:00 am	The second wave of Americans, including the fallen, depart Benghazi for Tripoli via airplane.
8:15 am // 2:15 pm	The C-17 departs Germany en route Tripoli to evacuate Americans.
1:17 pm // 7:17 pm	The C-17 departs Tripoli en route Ramstein, Germany with the American personnel and the remains of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty.
1:57 pm // 7:57 pm	The EUCOM special operations force, and associated equipment, arrives at an intermediate staging base in southern Europe.
2:56 pm // 8:56 pm	The FAST platoon, and associated equipment, arrives in Tripoli.
3:28 pm // 9:28 pm	The special operations force deployed from the United States, and associated equipment, arrives at an intermediate staging base in southern Europe.
4:19 pm // 10:19 pm	The C-17 arrives in Ramstein, Germany.

EXHIBIT 6

C05562167[redacted]

[redacted]

From: Sullivan, Jacob J
Sent: Thursday, October 04, 2012 4:32 PM
To: [redacted]
Subject: FW: Quick level set before we head into tomorrow AM SVTC

-----Original Message-----
From: Winnefeld, James A Jr ADM USN (US) [mailto[redacted]
Sent: Wednesday, September 12, 2012 1:44 AM
To: Rhodes, Benjamin J.; McDonough, Denis R.; Sherman, Wendy R; Miller, James N HON (US); Sullivan, Jacob J; [redacted] 'Robert.Cardillo[redacted] Blinken, Tony; 'Jeremy.Bash[redacted]
Cc: [redacted]
Subject: RE: Quick level set before we head into tomorrow AM SVTC

First bird may be as early as 1200Z.

-----Original Message-----
From: Winnefeld, James A Jr ADM USN (US)
Sent: Wednesday, September 12, 2012 1:40 AM
To: 'Rhodes, Benjamin J.'; McDonough, Denis R.; 'ShermanWR@state.gov'; Miller, James N HON (US); 'SullivanJJ@state.gov'; [redacted] 'Robert.Cardillo[redacted]; [redacted]; Blinken, Tony; 'Jeremy.Bash[redacted]
Cc: [redacted]
Subject: RE: Quick level set before we head into tomorrow AM SVTC

Aircrews are on the ramp at Ramstein. Two C-130s will move to Rota then Tripoli. One departs at 0600Z, the other at 0700Z. 3+40 transit time to Rota, 1 hour load time. Estimated arrival at Tripoli is 1300Z. We now have country clearances for Spain and Libya. Working to expedite movement (for example, faster load time than one hour), but not sure we can go faster now that aircrews are on the ramp.
My best,
Sandy

-----Original Message-----
From: Rhodes, Benjamin J. [mailto:[redacted]
Sent: Wednesday, September 12, 2012 1:20 AM
To: Winnefeld, James A Jr ADM USN (US); McDonough, Denis R.; 'ShermanWR@state.gov'; Miller, James N HON (US); 'SullivanJJ@state.gov'; [redacted] 'Robert.Cardillo[redacted] Blinken, Tony; 'Jeremy.Bash[redacted]
Cc: [redacted]
Subject: Re: Quick level set before we head into tomorrow AM SVTC

Thanks. Will also take your guidance on how we shoud (or should not) discuss publicly

----- Original Message -----
From: Winnefeld, James A Jr ADM USN (US) [mailto:[redacted]
Sent: Wednesday, September 12, 2012 01:19 AM
To: McDonough, Denis R.; 'Sherman, Wendy R' <ShermanWR@state.gov>; Miller, James N HON (US) <[redacted] SullivanJJ@state.gov <SullivanJJ@state.gov>; [redacted]

C05562167

[redacted] 'Robert.Cardillo [redacted]
Blinken, Tony; Rhodes, Benjamin J.; 'Bash, Jeremy CIV SD' <[redacted]
Cc: [redacted]
Subject: RE: Quick level set before we head into tomorrow AM SVTC

Understand we now have dip clearance for the FAST platoon into Tripoli. Working to accelerate the airlift; have spoken personally with the USAFE commander; will advise if it can be accelerated. We are also working the issue of ground transport from the Tripoli airport to the embassy (the platoon is capable, but it's light, and does not bring its own transportation), as well as the issue of how to (and whether we need to) help recover the COM's and the communication officer's remains.
My best,
Sandy

-----Original Message-----
From: McDonough, Denis R. [mailto [redacted]
Sent: Tuesday, September 11, 2012 11:45 PM
To: 'Sherman, Wendy R'; Miller, James N HON (US); Winnefeld, James A Jr ADM USN (US); SullivanJJ@state.gov; Winnefeld, James A Jr ADM USN (US); [redacted]
'Robert.Cardillo [redacted] [redacted] Blinken, Tony; Rhodes, Benjamin J.; 'Bash, Jeremy CIV SD'
Subject: Quick level set before we head into tomorrow AM SVTC

PLEASE DON'T FORWARD

Team,

Sending on this system a very cursory - and where necessary cryptic - update, now about an hour old. But in advance of our 0700 SVTC on this topic, I just wanted to make sure we all were at least temporarily on the same page.

First, Wendy, Michael, Jim, Jeremy and Sandy, please know how much we appreciate all you and your teams do for the country. This is a sad reminder of the risks your teams are living through every day. Please let them know we are pulling for and praying for them.

The situation in Benghazi remains fluid. Amb. Chris Stevens remains unaccounted for; one State Department officer is confirmed dead (next of kin notification is complete); five State Department officers are accounted for and at another USG compound in Benghazi, which had been taking fire earlier in the evening (until at least 2030 EDT). The February 17 Brigade, contracted to help provide security at both this compound and the Diplomatic Mission compound (which was attacked), provided support throughout the day. The Diplomatic Mission compound has been cleared, although the primary safe haven that we believe Amb. Stevens and the deceased State officer used is still on fire. Five DOD personnel arrived in Benghazi about an hour ago from Tripoli to reinforce security there.

The situation in Tripoli is reportedly calm. There are unconfirmed reports of threats against Embassy Tripoli on social media websites. The State Department is working to enhance

security in Embassy Tripoli and is considering consolidating all USG personnel (Embassy, other government agencies, etc) at the Embassy, which is in a much more secure location. We have a sizable country team in Tripoli of 15-20 officers plus 15-20 support personnel and diplomatic security staff. State has concerns about the quality of the police force and is working to supplement its security with local contractors.

On our people in Libya, the Joint Staff is deploying three sets of teams into the region appropriate to the mission(s).

On securing our embassies around the world, Sec. Clinton has sent out a notice to each mission around the world, directing that they review security procedures. John Allen is on heightened alert in Afghanistan - where day is just breaking - against potential reprisals there. And State is in touch with the Brits and other key allies and partners overseas.

And on getting the video(s) in question taken down, I reached to YouTube to ask them to take down two videos: one that was not developed by Pastor Jones but which he is promoting, and another - of him burning the Prophet in effigy - that he did film. Sec. Panetta also reached out to Pastor Jones to ask him to pull down his video, knowing that even if YouTube takes the video down, Pastor Jones can put it up somewhere else. Even if we are successful with YouTube and Jones, this will not get rid of all downloads of this hateful stuff, but it will have some benefit in limiting propagation. We are also in touch with Muslim and Christian leaders here and abroad to ask them to make clear that the United States government is not associated with either of these films. According to some reports, an Egyptian American Coptic Christian is also associated with the production of one of the films, so we are asking other Copts to reach him to ask him to stop these efforts since they may incite Muslim-Christian violence in Egypt.

See you at 0700.

Thanks,
Denis

EXHIBIT 7

This exhibit was not cleared for public release.

EXHIBIT 8

This exhibit was not cleared for public release.

EXHIBIT 9

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

Lakhdhir, Kamala S

m: Winnefeld, James A Jr ADM USN (US) [redacted]
: Wednesday, September 12, 2012 1:44 AM
Rhodes, Benjamin J.; McDonough, Denis R.; Sherman, Wendy R; Miller, James N HON (US); Sullivan, Jacob J; [redacted]; 'Robert.Cardillo[redacted] Brennan, John O.; Blinken, Tony; 'Jeremy.Bash[redacted]
Cc: [redacted] CAPT USN JS DOM (US); [redacted] CAPT USN JS DOM (US); [redacted] CAPT USN JS DOM (US)
Subject: RE: Quick level set before we head into tomorrow AM SVTC

First bird may be as early as 1200Z.

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Sent: Wednesday, September 12, 2012 1:40 AM
To: 'Rhodes, Benjamin J.'; McDonough, Denis R.; 'ShermanWR@state.gov'; Miller, James N HON (US); 'SullivanJJ@state.gov'; [redacted] 'Robert.Cardill[redacted]; Brennan, John O.; Blinken, Tony; 'Jeremy.Bash[redacted]
Cc: [redacted] CAPT USN JS DOM (US); [redacted] CAPT USN JS DOM (US)
Subject: RE: Quick level set before we head into tomorrow AM SVTC

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best,
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-----Original Message-----
From: Rhodes, Benjamin J. [mailto:[redacted]
Sent: Wednesday, September 12, 2012 1:20 AM
To: Winnefeld, James A Jr ADM USN (US); McDonough, Denis R.; 'ShermanWR@state.gov'; Miller, James N HON (US); 'SullivanJJ@state.gov'; [redacted] 'Robert.Cardill[redacted] Brennan, John O.; Blinken, Tony; 'Jeremy.Bash[redacted]
Cc: [redacted] CAPT USN JS DOM (US)
Subject: Re: Quick level set before we head into tomorrow AM SVTC

Thanks. Will also take your guidance on how we shoud (or should not) discuss publicly

----- Original Message -----
From: Winnefeld, James A Jr ADM USN (US) [mailto:[redacted]
Sent: Wednesday, September 12, 2012 01:19 AM
To: McDonough, Denis R.; 'Sherman, Wendy R' <ShermanWR@state.gov>; Miller, James N HON (US) [redacted] SullivanJJ@state.gov <SullivanJJ@state.gov>; [redacted] 'Robert.Cardillo@[redacted] [redacted] Brennan, John O.; Blinken, Tony; Rhodes, Benjamin J.; 'Bash, Jeremy CIV SD' [redacted]
Cc: [redacted] CAPT USN JS DOM (US) [redacted]
Subject: RE: Quick level set before we head into tomorrow AM SVTC

..derstand we now have dip clearance for the FAST platoon into Tripoli. Working to accelerate the airlift; have spoken personally with the USAFE commander; will advise if it can be accelerated. We are also working the issue of ground transport from the Tripoli airport to the embassy (the platoon is capable, but it's light, and does not bring its own

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REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

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REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

transportation), as well as the issue of how to (and whether we need to) help recover the COM's and the communication officer's remains.

best,
ndy

-----Original Message-----
From: McDonough, Denis R. [mailto:[redacted]
Sent: Tuesday, September 11, 2012 11:45 PM
To: 'Sherman, Wendy R'; Miller, James N HON (US); Winnefeld, James A Jr ADM USN (US); SullivanJJ@state.gov; Winnefeld, James A Jr ADM USN (US); [redacted]
'Robert.Cardill[redacted]; Brennan, John O.; Blinken, Tony; Rhodes, Benjamin J.; 'Bash, Jeremy CIV SD'
Subject: Quick level set before we head into tomorrow AM SVTC

PLEASE DON'T FORWARD

Team,

Sending on this system a very cursory - and where necessary cryptic - update, now about an hour old. But in advance of our 0700 SVTC on this topic, I just wanted to make sure we all were at least temporarily on the same page.

First, Wendy, Michael, Jim, Jeremy and Sandy, please know how much we appreciate all you and your teams do for the country. This is a sad reminder of the risks your teams are living through every day. Please let them know we are pulling for and praying for them.

The situation in Benghazi remains fluid. Amb. Chris Stevens remains unaccounted for; one State Department officer is confirmed dead (next of kin notification is complete); five State Department officers are accounted for and at another USG compound in Benghazi, which had been taking fire earlier in the evening (until at least 2030 EDT). The February 17 Brigade, contracted to help provide security at both this compound and the Diplomatic Mission compound (which was attacked), provided support throughout the day. The Diplomatic Mission compound has been cleared, although the primary safe haven that we believe Amb. Stevens and the deceased State officer used is still on fire. Five DOD personnel arrived in Benghazi about an hour ago from Tripoli to reinforce security there.

The situation in Tripoli is reportedly calm. There are unconfirmed reports of threats against Embassy Tripoli on social media websites. The State Department is working to enhance security in Embassy Tripoli and is considering consolidating all USG personnel (Embassy, other government agencies, etc) at the Embassy, which is in a much more secure location. We have a sizable country team in Tripoli of 15-20 officers plus 15-20 support personnel and diplomatic security staff. State has concerns about the quality of the police force and is working to supplement its security with local contractors.

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On our people in Libya, the Joint Staff is deploying three sets of teams into the region appropriate to the mission(s).

On securing our embassies around the world, Sec. Clinton has sent out a notice to each mission around the world, directing that they review security procedures. John Allen is on heightened alert in Afghanistan - where day is just breaking - against potential reprisals there. And State is in touch with the Brits and other key allies and partners overseas.

And on getting the video(s) in question taken down, I reached to YouTube to ask them to take down two videos: one that was not developed by Pastor Jones but which he is promoting, and another - of him burning the Prophet in effigy - that he did film. Sec. Panetta also reached out to Pastor Jones to ask him to pull down his video, knowing that even if YouTube takes the video down, Pastor Jones can put it up somewhere else. Even if we are successful with YouTube and Jones, this will not get rid of all downloads of this hateful stuff, but it will have some benefit in limiting propagation. We are also in touch with Muslim and Christian leaders here and abroad to ask them to make clear that the United States government is not associated with either of these films. According to some reports, an Egyptian American Coptic Christian is also associated with the production of one of the films, so we are asking other Copts to reach him to ask him to stop these efforts since they may incite Muslim-Christian violence in Egypt.

e you at 0700.

Thanks,
Denis

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REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 10

The White House
Office of the Press Secretary

For Immediate Release September 10, 2012

Readout of the President's Meeting with Senior Administration Officials on Our Preparedness and Security Posture on the Eleventh Anniversary of September 11th

Earlier today the President heard from key national security principals on our preparedness and security posture on the eve of the eleventh anniversary of September 11th. Over the past month, Assistant to the President for Homeland Security and Counterterrorism John Brennan has convened numerous meetings to review security measures in place. During the briefing today, the President and the Principals discussed specific measures we are taking in the Homeland to prevent 9/11 related attacks as well as the steps taken to protect U.S. persons and facilities abroad, as well as force protection. The President reiterated that Departments and agencies must do everything possible to protect the American people, both at home and abroad.

EXHIBIT 11

S. HRG. 113–164

DEPARTMENT OF DEFENSE'S RESPONSE TO THE ATTACK ON U.S. FACILITIES IN BENGHAZI, LIBYA, AND THE FINDINGS OF ITS INTERNAL REVIEW FOLLOWING THE ATTACK

HEARING

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

FEBRUARY 7, 2013

Printed for the use of the Committee on Armed Services

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So thank you very much.

Chairman LEVIN. Thank you, Senator Shaheen.

Senator Lee.

Senator LEE. Thank you, Mr. Chairman.

Thanks to both of you for being here today and thank you for your service and all you do for our country.

I certainly appreciate and respect the fact that, as you acknowledged in your opening statements, it isn't possible for you to be all things to all people. It's not possible for you to be anywhere in the world within notice of only a few minutes, and we need to keep that in mind as we look at this sad, unfortunate situation.

We also recognize the concern that you have for U.S. personnel everywhere around and respect what you do for them.

I do want to follow up a little bit on some of the questions that Senator Graham was asking a few minutes ago. Secretary Panetta, a few minutes ago you indicated that we didn't have boots-on-the-ground, we didn't deploy forces, because the attack came to an end. But as Senator Graham pointed out, this is an attack that lasted nearly 8 hours from start to finish. So at some point there had to have been a decision made not to deploy them. At what point in that timeframe was it made, or was it not made, until after the attack had ended, nearly 8 hours after it began?

Secretary PANETTA. Senator, again, just to bring you back to the events as they took place, there was this initial attack on the facility at Benghazi. Within an hour or so that ended, and, very frankly, we thought that was the end of what had occurred there, and we had no intelligence that a second attack would take place at the annex, 2 miles away.

Senator LEE. But we didn't know. We didn't know. What we did know was that a lot of people were still unaccounted for. So the immediate attack was perhaps not visibly underway, but you weren't certain that there wouldn't be more fighting.

Secretary PANETTA. Obviously, you're not certain about what may or may not happen. But the issue of whether or not you suddenly deploy a platoon or a team into an area, you still have to determine whether or not the situation requires the deployment of that force there. Frankly, when we were told that the attack was over we immediately—although we had the forces in place, we would have responded if something had indicated more, we had no intelligence to indicate that that was the case.

Senator LEE. Okay, and to what point are you referring right now? You were talking about the initial attack on the compound?

Secretary PANETTA. That's correct, that's correct.

Senator LEE. So was that decision revisited hours later when in the early hours of the morning Benghazi time another pretty considerable attack came about?

General DEMPSEY. Let me make sure. Once the attack occurred, we started moving forces. It didn't matter really whether there was another attack. We were moving the forces, and as they were moving we would direct them where they were needed. I actually thought they would likely be needed in Tripoli, but they were moving. Nothing we did slowed that process down.

Senator LEE. Did they get to Tripoli?

General DEMPSEY. They did. They're there now.

Senator LEE. Why didn't they move forward to Benghazi?

General DEMPSEY. There was no need to do it by the time they got there.

Senator LEE. How did you know there was no need to do it?

General DEMPSEY. Because everybody was out of Benghazi.

Senator LEE. Okay, and yet it took another 23 days, as I understand it, to secure the compound after the attack had completed, had ended. So why did it take 23 days to secure the compound?

Secretary PANETTA. Senator, we were not requested to secure that compound. When the FBI decided to go in and then requested us to provide security, we did.

Senator LEE. After the FBI requested that, at that point?

Secretary PANETTA. That's correct.

Senator LEE. But again going back to the early morning hours Benghazi time when there was still fighting going on, how did you know that that was the end of it? Or are you saying it didn't matter at that point because you had removed all the Americans from the compound and from the annex?

General DEMPSEY. What I've said, Senator, is that when we put the forces in motion, they continued in motion until they arrived at the location.

Senator LEE. At what point did you put them in motion?

General DEMPSEY. Immediately, but there's notification to liftoff and then there's transit time. It was a significant amount of time.

Senator LEE. Had they been on alert or at a higher state of alert, could you perhaps have gotten them there faster?

General DEMPSEY. I think, yes, they could have. We routinely leave forces at N+6. Some of them were at N+4, some of them were at N+2. No one is ever sitting there on the tarmac waiting, but we do dial up and dial down the alert posture.

Senator LEE. Looking back, given that it was an important anniversary, September 11, was there good reason to have put them at a higher state of alert than they were?

General DEMPSEY. Looking back is a lot clearer than looking forward. I will tell you that as part of this study that the Secretary of Defense described we have changed our alert posture globally. The question is whether we can sustain it over time. It's challenging to sustain those kinds of alert postures.

Senator LEE. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Lee.

Senator Kaine.

Senator KAINE. Thank you, Mr. Chairman, Mr. Ranking Member, General Dempsey, Secretary Panetta.

Mr. Secretary, your testimony is where I'm going to start, and an observation and then some questions. The line that I find the most provocative: "That brings me to my greatest concern right now as Secretary and, frankly, the greatest security risk we are facing as a Nation, which is budget uncertainty, which could prompt the most significant military readiness crisis in more than a decade."

That's a provocative statement, "greatest security risk as a Nation." Iran, North Korea, al Qaeda, including al Qaeda in the Maghreb. But I gather the thrust of the point is our ability to respond to any of those security threats is completely dependent

they bring to the production at Electric Boat; likewise at Pratt and Whitney, where the Joint Strike Fighter engines are produced; similarly at Sikorski, where helicopters are made; across Connecticut, across the country. I think the defense industrial base is under threat, and it is the skilled, dedicated workforce that is the companion asset to our men and women in uniform that are so important.

I would hope that, whatever the results in the next month, that we can continue to keep in place that workforce. I think you share that view.

Let me turn to another area of personnel that I think is very important. Because you are here for your last time—and I know you will deeply regret not appearing before this panel. You can agree with me because you're not under oath. I'm taking advantage of your being here to raise a question about an area that, I think, is very important, the decision of the Pentagon and the Department of Veterans Affairs (VA) to abandon the plan for a unified health care records system, announced very recently.

This decision is a tremendous setback for an effort that really has been ongoing for years, if not decades, to provide for a streamline in timely process, faster decisions on benefits, less duplication of medical testing, more efficient, cost-effective treatment for both physical and mental health needs. This single unified health care system has been a longstanding goal and I am very regretful and disappointed that the decision has been made to abandon it after devoting a billion dollars, I think so far, a billion dollars, to create it. I would invite your explanation.

Secretary PANETTA. Thank you, Senator. First of all, let me say I do not believe that the idea of developing ultimately that unified system has been abandoned. What we wanted to do was we knew that developing that system has taken years, it's going to take more years, it's going to cost a great deal of money as we do that. But in the interim we have to do everything necessary to create interoperability between the VA and the DOD so that doctors who are dealing with these individuals can bring that information together.

We can do that interoperability using existing systems, and we've been able to do it at some of the institutions. We wanted to develop that at about nine other institutions to do that. We can get that done by July of this year, and that's why we wanted to stress that.

But I want to assure you that the work on an ultimate single system that will require new technology to be able to get that accomplished is still going to continue to be worked on.

Senator BLUMENTHAL. That's good news, and it also conflicts with some of the news reports I've seen, which, to quote one, "Defense Secretary Leon Panetta and VA Secretary Eric Shinseki announced on Tuesday that they were scrapping the one-time plan to create an integrated electronic recordkeeping system." You are saying that you and Secretary Shinseki are not doing so?

Secretary PANETTA. No. We're not scrapping that. Our intent is obviously to continue working on that. But what we wanted to do was to create this interoperability sooner and on a faster track so we could provide the information doctors need in order to be able to create some symmetry between DOD and the VA.

Senator BLUMENTHAL. So if I can articulate it a different way, in oversimplified layman's language, in effect you're adopting a first stage solution that involves interoperability, but proceeding with the larger system and longer term more effective single health care records system that's contemplated?

Secretary PANETTA. That's correct.

Senator BLUMENTHAL. Thank you. Thank you very much to both of you for your testimony today. It's been very helpful, and thank you for your service as well.

Thank you, Mr. Chairman.

Chairman LEVIN. We're going to begin a second round and we're going to have a 3-minute second round, and then our witnesses must leave by no later than 2:30 p.m. and I hope before because we have a vote scheduled for 2 p.m.

I just have two questions. The first has to do with the question which was asked to you by Senator Graham. I think both of you answered this, I think mainly you, Secretary Panetta, about how many times did you talk to the President during the day of these events. I think your answer was once during. I think, General, you also indicated once during.

Then there was a question as, you mean he never got back to you to find out what was going on? I think you were starting to say, Mr. Secretary, that he has a number of other sources of important information, including his own chief of staff, and I presume too the chairman of the National Security Council or others that he would be in touch with could call, who were much closer at hand in the White House to him than you are at DOD.

Do you know how many times that day, if any, the President talked to his chief of staff or to the National Security Council people?

Secretary PANETTA. I don't know how many times he was in contact, but we were in contact with the staffs there. There was a DC, which is a deputies meeting, of the National Security Council that met at I think 5 or 6, 6 or 7 p.m. that evening, in which everybody was represented, including obviously the National Security Council team, as well as the teams from State and elsewhere, CIA, the Director of National Intelligence (DNI).

In addition to that, obviously our staffs were in constant touch with the White House to alert them as to what was taking place and what information we had. So, it's just the nature of the White House that Presidents of the United States make use of a broad sphere of staff that are involved with these issues to work these issues and continue to be in touch with him as to what's taking place.

Chairman LEVIN. Now, relative to those unclassified talking points that were prepared at the request of Congress by the Intelligence Community that were erroneous, through no fault of her own Ambassador Rice used them, bore the brunt of the criticism for the use, although she didn't prepare them. Are you familiar, either of you, with those talking points and did the Defense Intelligence Agency (DIA), participate in the production of those talking points, do you know?

Secretary PANETTA. We did not and we were not aware of the talking points at the time.

Chairman LEVIN. Do you know whether or not DIA was part of the Intelligence Community which prepared those talking points?

Secretary PANETTA. I am not aware that they were involved in that. I think it was the DNI that prepared the talking points.

Chairman LEVIN. Okay, thank you. You don't know how he could have been—have you talked to him as to how he could not have known or how they could not have known that the talking points that they handed to Ambassador Rice and others were erroneous?

Secretary PANETTA. I have not.

Chairman LEVIN. Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

I want to try to do this fast here, one more run at this same issue that no one else seems to be wanting to talk about. It could be argued that there are two attacks, one on the compound, one on the annex. I'm not sure how close they were together, but let's just assume that that's one of the possibilities. Let's forget about the compound one. Just the annex attack.

The Intelligence Community has said that it's irresponsible for any terrorist professional not to know that it was a planned terrorist attack at the moment the RPG and the six coordinated mortars took place. I think almost everyone else agrees with that. That happened right on the same day or the morning after because it was in the middle of the night.

Secretary Panetta, do you believe that unequivocally at that time we knew that this was a terrorist attack?

Secretary PANETTA. There was no question in my mind that this was a terrorist attack.

Senator INHOFE. Okay, good. I was going to say that and I appreciate that very honest answer. That took place, that realization took place, at the time that the RPG and all these sophisticated things, such as the coordinated attack took place; is that correct?

Secretary PANETTA. My own experience was that RPGs show up and these other arms show up, that there's something that's planned here.

Senator INHOFE. This was a planned terrorist attack. I was going to suggest——

Secretary PANETTA. It's a terrorist attack. I think Secretary Clinton and others also identified it as a terrorist attack, and that was my view.

Senator INHOFE. Mr. Brennan, who is going to be having a hearing later on today that I will not be able to attend, I would consider him to be one of the foremost intelligence experts around, with what, 20 or 25 years experience; would you agree with that?

Secretary PANETTA. Yes, indeed.

Senator INHOFE. He stated to me and will state again this afternoon the same thing you just said, that we realized at that moment it was a planned terrorist attack.

Now, the only question I want to ask you, and I'll ask you for an answer now and I doubt if you will have a very good answer—but after that I'd like to have you think about it and give an answer for the record—and that is, with everyone agreeing, including Secretary Clinton, that right after this took place that it was, in fact, a planned terrorist attack, how in the world could Ambassador Rice say, "The information"—this is 5 days later—"The informa-

tion, the best information, and the best assessment we have today is that, in fact, this was not a preplanned, premeditated attack"?

Secretary PANETTA. Again, I was not involved in the talking points that were presented to her, but obviously the Intelligence Community provided an assessment to her and she relied on that assessment when she went on the news.

Senator INHOFE. I certainly believe that it was to the benefit of the administration to try to push that. But it didn't work, and I would only suggest that people pay attention not to that fact, because to me, with all the things we've been talking about, this is one of the really significant things that has not yet been explored. I appreciate your very straightforward and honest answer to that.

[The information referred to follows:]

As I stated during the February 7, 2013, hearing, there was no question in my mind that the attack on September 11, 2012, was a planned terrorist attack. As the Department of Defense was not involved in the preparation of Ambassador Rice's talking points, I am unable to comment further on the details included in those talking points, and I refer the committee to the Office of the Director of National Intelligence for further information.

Senator INHOFE. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator Ayotte.

Senator AYOTTE. Thank you, Mr. Chairman.

I wanted to ask about—as I understand it, General Dempsey, you had, I don't know if it was on a show, but Senator Blunt had asked you, that looking back you didn't know anything you could do that could be done differently. As I understand it, we had a security team in Tripoli. Six of them came to Benghazi. They arrived about 15 minutes at the annex before the second attack. Is that right?

They had two DOD personnel with them, remnants of the site security team that were in Tripoli. Originally, we had a larger site security team in Benghazi, so they had to charter a plane to get there. That surprises me, to think about the fact that you testified earlier that you were aware from what Ambassador Stevens said that the consulate couldn't withstand a coordinated attack; the assets that we did have in theater, that they'd actually have to go out and try to charter a plane to get somewhere.

Why wouldn't we have an Osprey, a standard helicopter, any aviation assets there to be able to get to an area within country to provide assistance, in light of the fact that there was a deteriorating security situation, in light of the fact that you were aware that the Ambassador had said that the consulate couldn't withstand a coordinated attack?

General DEMPSEY. Thanks, Senator. While you were out I actually made sure I was clear about how I knew what I knew. Everything I knew was from General Ham's report to the Secretary through me.

Second, in terms of—we didn't have an official DOD presence in Libya.

Senator AYOTTE. But I'm shocked that we had to rely on chartering a plane. Why wouldn't we have something there, some kind of aviation asset that would allow us to get from Tripoli to

Benghazi, in light of what we knew about the security situation and the attacks listed on that board?

General DEMPSEY. I would just reiterate, we didn't have an official DOD presence in Libya.

Senator AYOTTE. But two DOD personnel had to charter a plane. I think about what it takes to charter a plane. If we had had aviation, some form of aviation assets there, we could have gotten to Benghazi sooner; would you agree?

General DEMPSEY. If they had a plane, sure, they would have gotten there sooner.

Senator AYOTTE. Also, I wanted to ask you, Secretary Panetta. You had said that you didn't end up deploying based on a response—I think Senator Graham had asked you, why didn't we have people going, moving? We had them on deployment status, but we didn't have them moving. I believe you said you thought that it was because it was over after the first attack.

Secretary PANETTA. Again, the forces were moving. We had deployed these FASTs. They were moving. We did not in any way stop the movement forward. The problem was taking them then and deploying them to Benghazi. By the time we reached that point, the attack was over and we had evacuated all of the people out of Benghazi.

Senator AYOTTE. But were planes flying? Were troops moving? The minute this attack occurred we had an ambassador missing. Were people going to Benghazi?

Secretary PANETTA. We had alerted all of these task forces to be in place, to move in that direction, and they were moving to get there. The problem we had, as I've explained, is again the issue of time and distance and being able to move them quickly enough to respond before the event was over. That just was not the case.

The board that was headed up by the Ambassador and Admiral Mullen came to that conclusion. There was no time or space available to be able to respond in time. That was their conclusion.

Senator AYOTTE. I know my time is up, but when I look at your testimony or the list that we were given, on page 2, there's a list of prepare to deploy, prepare to deploy, prepare to deploy. It's not deployment, actually going toward Benghazi. So it doesn't seem to me that we were moving with a sense of urgency, given that we had an ambassador missing.

General DEMPSEY. If I could just help with that one, Senator. The process as you tell a unit to prepare to deploy, when they report readiness you tell them to move. That's just a piece of the process. There was nothing that held them up.

Senator AYOTTE. Thank you.

Chairman LEVIN. Thank you, Senator Ayotte.

Senator Graham.

Senator GRAHAM. Mr. Chairman, I'd like unanimous consent to put this map into the record here, as part of the file.

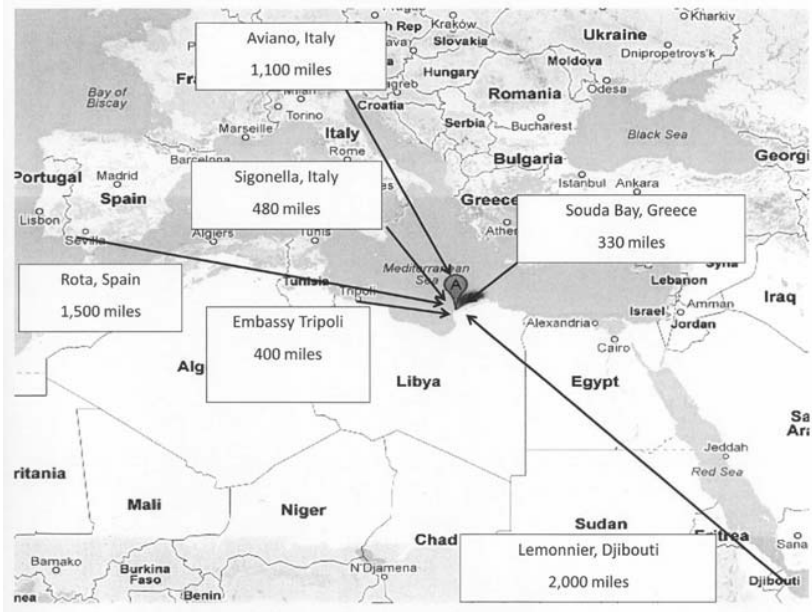
Chairman LEVIN. That would be fine. Can you tell us what map that is?

Senator GRAHAM. Yes. It talks about different airbases, naval bases, surrounding Benghazi, Libya.

Chairman LEVIN. Thank you.

Senator GRAHAM. So I'll put that in the record.

[The information referred to follows:]



Senator GRAHAM. One, you've been both very candid. Thank you.

I want to make sure I understand what you said about Syria. Both of you agreed with Petraeus and Clinton that we should start looking at military assistance in Syria; is that correct?

Secretary PANETTA. That was our position. I do want to say, Senator, that obviously there were a number of factors that were involved here that ultimately led to the President's decision to make it non-lethal—I supported his decision in the end. But the answer to your question is yes.

Senator GRAHAM. For both of you?

General DEMPSEY. Yes.

Senator GRAHAM. It's certainly up to the President to make all these decisions.

Who was in charge in Benghazi? Were you in charge, Secretary Panetta?

Secretary PANETTA. What do you mean, in charge?

Senator GRAHAM. As running the operation, trying to find a way to save our Ambassador who was lost, trying to prevent our people from being killed, providing assistance to people who were under attack. A simple question. If the families ask me, would it be fair to say that you were in charge?

Secretary PANETTA. It's not that simple. I think the people that were in charge were the people on the ground——

Senator GRAHAM. Would you say Secretary Clinton was in charge?

Secretary PANETTA. Pardon me?

Senator GRAHAM. Was Secretary Clinton in charge?

Secretary PANETTA. Both DOD and VA have confirmed their continuing commitment to delivering an iEHR for all servicemembers and veterans. In the near-term, we are focusing on data interoperability to ensure that all health data for an individual is brought together into a seamless EHR. This data interoperability work will be completed by 2014, creating a Virtual Lifetime Electronic Record for all servicemembers and veterans, thus achieving the President's vision of every separating servicemember having his or her information available for a smooth transition to veteran status, whether it is to coordinate the delivery of health care or achieve rapid adjudication of benefits. In addition to this work, we are also committed to modernizing and replacing our underlying legacy health information technology systems in as cost effective a manner as possible.

QUESTIONS SUBMITTED BY SENATOR MICHAEL S. LEE

COMMUNICATION WITH THE PRESIDENT AND SECRETARY CLINTON

59. Senator LEE. Secretary Panetta and General Dempsey, how many times did you talk with Secretary Clinton about Benghazi before the attack?

Secretary PANETTA. I do not recall discussing the security of our facilities in Benghazi with Secretary Clinton prior to the attacks.

General DEMPSEY. We had regular meetings to discuss global threats, including the security situation in North Africa and Libya, in particular, prior to the Benghazi attack.

60. Senator LEE. Secretary Panetta and General Dempsey, was there any mention of a need for increased security?

Secretary PANETTA. No requests for additional security were made to DOD.

General DEMPSEY. There were ongoing discussions within the interagency about the security situation. I was aware of concerns about security in Libya through General Ham's reporting. After the DOS decision to not extend the SST in Libya, there was no request for additional DOD security forces.

61. Senator LEE. Secretary Panetta and General Dempsey, do you feel that you should have talked with Secretary Clinton more?

Secretary PANETTA. I am sure that all of us wish we had better information, warning, and time to work together to avoid this tragedy.

General DEMPSEY. I discussed security in the Middle East and North Africa with Secretary Clinton on multiple occasions.

62. Senator LEE. Secretary Panetta and General Dempsey, should you have encouraged Secretary Clinton to increase security?

Secretary PANETTA. I am sure that all of us wish we had better information, warning, and time to work together to avoid this tragedy.

General DEMPSEY. We were aware of the security challenges in Benghazi, but rely foremost on DOS's regional security officers to assess the threats and develop emergency action plans. Defense attachés are integrated into this process and make recommendations as well.

63. Senator LEE. Secretary Panetta and General Dempsey, once the attack started, did you ever communicate with Secretary Clinton?

Secretary PANETTA. Yes.

General DEMPSEY. Not directly. But, through the National Joint Operations and Intelligence Center (NJOIC) we were monitoring and coordinating with DOS and regional commanders throughout the night.

64. Senator LEE. Secretary Panetta and General Dempsey, what about the President?

Secretary PANETTA. Yes.

General DEMPSEY. Secretary Panetta and I had a previously scheduled meeting with the President at 5 p.m. and discussed the Benghazi attack with him during this meeting.

65. Senator LEE. Secretary Panetta and General Dempsey, at what point did your communications stop with them?

Secretary PANETTA. I continued my communication with the President and with Secretary Clinton regularly.

General DEMPSEY. I did not talk directly to the President again that evening. However, the NJOIC continued to coordinate with the White House Situation Room throughout that night and until all our personnel were evacuated from Benghazi.

66. Senator LEE. Secretary Panetta and General Dempsey, what time did you go to sleep?

Secretary PANETTA. I don't recall the exact time, but I received regular updates on the situation throughout the night.

General DEMPSEY. Sometime after midnight when I was notified that all Americans were evacuated from the annex and the first wave was transported to Tripoli. I was also briefed when the second wave departed Benghazi for Tripoli around 4 a.m.

67. Senator LEE. Secretary Panetta and General Dempsey, how frequently were you updated on what was occurring in Benghazi from the initial attack?

Secretary PANETTA. I was personally updated on the Benghazi situation several times daily.

General DEMPSEY. The Deputy Director of Operations through the NJOIC provided regular updates. The watch team provided senior leader updates to the Secretary of Defense, the Chairman, and Joint Staff leaders frequently as significant reporting occurred. Additionally, the Joint Staff stood up a crisis management team to augment the NJOIC through October 1, 2012. This team provided 24/7 monitoring focused on the events in Libya, as well as ongoing regional unrest near U.S. Embassies in Tunisia, Sudan, and Yemen.

68. Senator LEE. Secretary Panetta and General Dempsey, when did you stop receiving updates regarding the safety and security of Americans in Benghazi?

Secretary PANETTA. I first received word less than 1 hour after the attack in Benghazi. I continue to receive regular updates regarding Americans in Libya.

General DEMPSEY. When they were evacuated back to Tripoli and then out of Libya. However, I continued and continue today to receive updates on our regional posture in North Africa.

69. Senator LEE. Secretary Panetta and General Dempsey, did anyone ever recommend to the President in your short meeting with him that we should send troops into Benghazi? If so, what was his reaction?

Secretary PANETTA. As I stated during my testimony before the committee, the President ordered all available DOD assets to respond to the attack in Libya and to protect U.S. personnel and interests in the region. The President was not advised to commit conventional troops to Libya.

General DEMPSEY. Upon hearing these initial reports, the President ordered us to use all available DOD assets to respond to the attack and save the lives of U.S. personnel in Libya and to protect U.S. personnel and interests throughout the region.

The Secretary of Defense ordered two Marine Corps FAST platoons from Rota, Spain—one to Tripoli, one to Benghazi; a special operations team from EUCOM that was conducting a training mission in Central Europe; and a special operations task force from the east coast of the United States. These forces were ordered to muster and move to an intermediate staging base. Before they arrived in place, the attack in Benghazi had concluded.

EMBASSY SECURITY PROCEDURES

70. Senator LEE. Secretary Panetta and General Dempsey, once an American compound is attacked by terrorists, as was Benghazi, who is in command of the rescue and secure mission?

Secretary PANETTA. The Secretary of State is responsible for the security of diplomatic facilities abroad. If a military operation to rescue personnel or secure a facility under attack were to be undertaken, the officials in the military chain of command, including the relevant GCC, would typically command such an operation.

General DEMPSEY. DOS is responsible for diplomatic security. DOD can be requested or directed to take the lead for activities such as a rescue operation. Once DOD is in the lead then the GCC is in charge. The GCC is responsible for military operations to provide rescue or security; however, the commander of the rescue team or on-scene commander would exercise tactical command and control for the mission. That on-scene commander and those rescue forces could be resourced from myriad choices including but not limited to the GCC's CIF, Special Purpose Marine

EXHIBIT 12

This exhibit was not cleared for public release.

EXHIBIT 13

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: Reines, Philippe I <reinesp@state.gov>

Sent: Wednesday, September 12, 2012 3:47 PM

To: Mills, Cheryl D <MillsCD@state.gov>; Kennedy, Patrick F <KennedyPF@state.gov>; Sullivan, Jacob J <SullivanJJ@state.gov>

Cc: [redacted]@state.gov>

Subject: Remains

When you guys emerge from the SVTC would like 2 minutes to download the conversation I just had with Gen. Kelly & Jeremy Bash, before Pat calls Kelly. I'd also like to share the informal guidance Jeremy shared about his previous employer.

This email is UNCLASSIFIED.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 14

REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: Nuland, Victoria J
Sent: Saturday, September 15, 2012 9:37 AM
To: 'Carl.Woog[redacted]
Subject: Re: 1100 Conf Call Call

Got it

----- Original Message -----
From: Woog, Carl R Mr OSD PA [mailto[redacted]
Sent: Saturday, September 15, 2012 09:35 AM
To: Nuland, Victoria J; Sullivan, Jacob J; NSC Deputy Press Secretary;
'Benjamin J. Rhodes[redacted] Little, George CIV OSD PA
[redacted]
Cc: Bash, Jeremy CIV SD [redacted]
Subject: 1100 Conf Call Call

Gang:

George wants to convene this group to sort a few things out on messaging re Libya.

Can you please dial in at 1100 to

[redacted] code [redacted]

Thanks,

Carl

Carl Woog
Assistant Press Secretary
Department of Defense
[redacted] berry
[redacted] office
[redacted]

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

INTERVIEW OF BEN RHODES

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, FEBRUARY 2, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*
CRAIG MISSAKIAN, *Deputy Chief Counsel*
MAC TOLAR, *Senior Counsel*
CARLTON DAVIS, *Counsel*
SHERIA CLARKE, *Counsel*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
LINDA COHEN, *Minority Senior Professional Staff*
DANIEL REBNORD, *Minority Professional Staff*

FOR BEN RHODES

JEANNIE S. RHEE
BLAKE ROBERTS
Wilmer, Cutler, Pickering, Hale, and Dorr

FOR THE WHITE HOUSE

W. NEIL EGGLESTON, *Counsel*
NICHOLAS MCQUAID, *Deputy Counsel*
JAMES WALSH, *Associate Counsel*
ALBERT SANDERS, *Associate Counsel*
CAROLINE TESS, *Senior Director for Legislative Affairs, National Security Council*
BRIAN EGAN, *Legal Adviser, National Security Counsel*

ALSO PRESENT

LORI GOODIN, *Stenographer for the White House*

Mr. Missakian. Okay. Let's go on the record, please.

Mr. Rhodes, welcome. Have you had a chance to read the preamble that we usually read at these transcribed interviews?

Mr. Rhodes. Yes.

Mr. Missakian. Do you understand it?

Mr. Rhodes. Yes.

Mr. Missakian. Do you understand that even though we're not going to be putting you under oath here today, but if you make a false statement, either to a Member of Congress or a member of the staff, you could be subject to criminal penalties?

Mr. Rhodes. Yes.

Mr. Missakian. And you're being represented here today by who?

Mr. Rhodes. Well, White House counsel, and then I have private counsel as well.

Mr. Missakian. So both?

Mr. Rhodes. Yeah.

Mr. Missakian. Okay. Let's begin.

EXAMINATION

BY MR. MISSAKIAN:

Q I would like to start with September 10th, 2012. Were you aware of any warnings about the protests that were predicted for Cairo?

A I don't remember being aware of the specific warnings related to Cairo on the 10th. That was something I became aware of only after the protest at the facility.

Q So you only learned about them after they had begun?

A That's my recollection.

Ms. Sachsman Grooms. Can we go off the record?

Mr. Missakian. Let's go off the record.

[Discussion off the record.]

BY MR. MISSAKIAN:

Q So back on the record, yes. So if I understood you correctly, you learned about the protests in Cairo after they had begun?

A That's my recollection.

Q What do you recall having learned about the protests in Cairo on September 11th?

A I remember that we became aware, over the course of that day, on the 11th, that there was a protest at our embassy in Cairo, that the protest had turned violent, and that there was a breach of our embassy compound.

Q Okay. Mr. Rhodes, one thing I'd ask you, I'm not going to ask you to tell me if you reviewed any documents in preparation for your interview here today, but if, in fact, you did review any documents that help refresh your memory about something you're testifying to, could you just identify that document for us?

A Sure.

Q Okay. What details do you recall learning, again, on September 11 about the protest in Cairo?

A I remember learning, again, that there was a protest, that the origin of that protest, or the motivation for that protest was a video that was seen as insulting to Islam, and that the protest became

violent, and there was a breach of our embassy facility in Cairo.

Q At any point on September 11, did you receive any information that connected the video to which you just referred to what would occur later in Benghazi?

A What I recall is that there was a protest at the facility in Cairo that our embassy was saying was directly related to the video. I recall subsequently being made aware of the attack that was taking place on our facility in Benghazi.

Q Okay. Do you recall ever receiving any information that tied the video to the attack in Benghazi on September 11th?

A Not that I remember.

Q Do you recall receiving any information on September 11th that there was a protest in Benghazi before the attacks?

A I remember there were different reports as to what was happening that were very fluid, describing different types of activity around the facility, but I don't recall it being assigned as a protest specifically.

Q Do you recall receiving any information on September 11th that there was a protest in Benghazi before the attacks?

A I remember there were different reports as to what was happening that were very fluid, describing different types of activity around the facility, but I don't recall it being assigned as a protest specifically. QDid you receive regular updates from the State Department?

A My recollection is it was the type of day where you have different crises taking place, you are moving to different meetings, and different people are in touch with the State Department, so, in some cases, I would have been hearing secondhand information from other White House officials who were in touch with State Department officials. In some cases, I would be receiving email updates.

Q Let's make a list. Who did you speak to directly at the State Department on September 11th?

A Again, I wouldn't recall every single contact I had. I do remember being in touch with Jake Sullivan. He was my normal point of contact on many matters at the State Department. He's the person I remember being in touch with, and then, again, I recall being in touch with different White House officials who were also in contact with State Department officials.

Q Do you know who those other White House officials were communicating with at the State Department?

Mr. McQuaid. Excuse me. Off the record for a second.

Mr. Missakian. Sure. Off the record.

[Discussion off the record.]

Mr. Missakian. Back on the record.

BY MR. MISSAKIAN:

Q I think you said you were getting some of your information secondhand from people at the White House who were, in turn, speaking to people at the State Department.

Do you know the identity of anybody at the State Department that those people were talking to?

A So what I recall, because it was very concerning and dramatic, was that Denis McDonough was in touch with Cheryl Mills at the State Department who was relaying their attempts to reach Ambassador Stevens' cell phone. So that's the specific recollection that I have related to State Department passing information, because there was this effort to be in touch with that cell phone.

Q Other than your conversations with Mr. Sullivan, the information you were getting secondhand that night, was there any other source of information that you received on September 11th regarding what was going on in Benghazi?

A Again, my memory is of having a series of meetings where people are providing updates about what we understand to be happening in both Benghazi and Cairo and being on an email contact with various people, so that ended up being a very fluid situation, so that's my recollection today.

Q Do you recall what time you left the office that night?

A I recall leaving the office around the time that the State Department would finalize their statement from Secretary Clinton to put out. I don't remember the exact time, but I remember that that was roughly when I was leaving the office.

Q My understanding is that statement was issued by the State Department about 10:08, so that roughly about when you left the office?

A Yes. I may have left -- again, I don't have a specific time that I recall leaving the office, but it may have been a little bit before that when they finalized the statement. I remember working as they were completing the drafts of that statement, and so whenever I felt that I was done with that piece of work is when I would have left the office.

Q Okay. Did you continue to receive information about Benghazi even after leaving the office?

A It's -- I certainly received emails overnight related to the events of Benghazi.

Q Were you reading those emails like continuously? Did you stay up all night, or at some point, did you go to bed and then wake up and see a bunch of emails in your inbox? How did that play out?

A Again, I -- the only email that I remember is when I woke up in the morning, becoming aware of the two additional fatalities, that that had transpired overnight.

Q On September 11th, were you aware that the CIA had a facility in Benghazi?

A You know, I don't recall being aware that the CIA had a facility in Benghazi. I don't know. Can we go off the record for a second?

Mr. Missakian. Let's go off the record.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

BY MR. MISSAKIAN:

Q If I understand you correctly, you're not sure if the CIA had a facility there that night or your -- is that -- am I understanding you correctly?

A I wasn't -- I don't recall being aware of the specific nature of the facility. The fact of the CIA having a presence in Libya I would have been aware of, but I, as I'm not an operational official, you know, I would not be familiar with the specific purpose of different facilities.

Q That's my next question. Putting aside whether it was a CIA facility or not, were you aware that there was a second facility in Benghazi that had been attacked? Again, this is on September 11th.

A Again, I remember becoming aware of that over the course of the events. I couldn't pinpoint exactly whether that was the night of the 11th or the morning of the 12th. That's -- so I remember becoming aware that there was this additional attack that took place.

Q How did you learn about the additional attack?

A Again, I recall being notified by email that there were these two additional fatalities.

Q Do you recall where that email came from?

A I don't.

Q Now, prior to receiving that email that talked about the two additional fatalities, were you aware that are a second facility had been attacked, regardless of whether anyone had died?

A I don't remember being aware of a separate incident at a second facility. I remember becoming aware of those facts after the attacks took place.

Q Okay. And on the night of September 11th, when you were apprised of what was going on in Benghazi, did you have a personal view about what was happening?

A I had a personal view because I knew Chris Stevens, and I was very upset that he had been killed. So my personal reaction related to the fact that I remember being very, very upset about his death.

Q Do you recall having a personal view about what had transpired in Benghazi, the nature of the attacks?

A I did not. I don't -- again, I did not render that judgment.

Q When did you learn that Ambassador Stevens had been killed?

A Again, my recollection is that there was this effort made to contact his cell phone, that at a certain point, and again, this is just my recollection of very fluid events, but that somebody was on the other end of that cell phone at a hospital and said that his body was at the hospital. I don't think we had had confirmation at that point, but I remember that was the first indication that something might have happened to him. And again, he was known to many of us at the White House, so we were very upset about it.

Q Do you recall learning that the group Ansar al-Sharia had taken responsibility for the attacks?

A I remember learning of that. I don't remember exactly when, but I remember learning, at some point, that they had issued a

claim on some social media platform.

Q And did you learn that prior to the State Department issuing the statement that you referred to earlier?

A I don't remember.

Q Did you have any understanding of the nature of the attack in Benghazi, the type of weapons used, the number of attackers, anything like that, on the night of September 11th?

A I do not remember having that type of detail on the night of September 11th.

Q Do you recall having any classified briefings on the night of September 11th regarding what was occurring?

A I don't recall. Again, there were many -- I remember there were many, you know, meetings and discussions around the White House, but I don't recall a specific meeting.

Q Did the White House have a -- another source of information about what was occurring in Benghazi other than the information that was coming from the State Department?

A My recollection is that given that these were events in both Cairo and Benghazi, that the State Department was principally dealing with on the front lines, that we were receiving information from the State Department, but in any event, you know, we make an effort to gather any information that we can about what's taking place.

Q Did you recall any of those efforts?

A I don't remember those efforts in the sense that, you know, my job was not to be involved in any operational response. It was

mainly to understand how we were going to communicate publicly about the events.

Q Okay. As you sit here today, for example, you don't recall getting any information about the attacks from the Department of Defense?

A I don't recall getting information about the attacks from the Department of Defense. They would have been included in interagency discussions that we have as a matter of course when there are events like that, but again, my -- my focus that night, as it related to my responsibilities, had to do with our initial public comment, which took the form of that statement from Secretary Clinton.

Q And that night, did you know of any connection between what had occurred at Cairo and what had occurred in Benghazi?

A I did not, other than the fact that both events took place in proximity to one another.

Q It's our understanding that a SVTC took place at 7:30 p.m. on September 11th. Did you participate in that call?

A I don't remember whether I participated in that call. It's possible, I just don't recall.

Q Is there anything that you could look at to refresh your memory in that regard? Calendar, book, or journal where you may keep notes?

A No, because -- I don't think so, because, frankly, again, over the course of a day like that, these are meetings that are put together on a quick basis, not planned far in advance. But again, my

recollection is just having different meetings in different parts of the White House where people were figuring out what was happening and what we needed to do.

Q Okay. As best you can, tell us what you recall discussing with Jake Sullivan. This is on September 11th into September 12th, if you spoke to him then as well?

A I remember speaking to him on the 11th about the statement that they were preparing to go out from Secretary Clinton, so that was the principal focus of our conversations, and that's what I remember talking about.

Q What do you recall about that discussion?

A Well, I remember we were trying to determine what the facts were in Benghazi as it related to potential fatalities, because that was, obviously, our principal concern was the wellbeing of our people.

I remember we were also concerned about the potential for further instability, given that we had seen, you know, the protests in Cairo, too, so we were trying to convey messages that responded to events in Benghazi and sought to calm the situation more broadly in the region.

Q Why didn't you put out two statements, one explaining what occurred in Benghazi, and one trying to tamp down any further violence over the video?

A We didn't consider putting out two statements. We just decided to put out one statement from Secretary Clinton.

Q You weren't concerned that there might be confusion that somebody hearing that statement might think the video somehow led to

what occurred in Benghazi, that never crossed anybody's mind?

A No.

Q Other than Jake Sullivan, did you talk to anybody else about that statement?

A I would have talked to my colleagues at the White House about that statement, people that I worked with on my staff.

Q Do you recall having any such conversations?

A You know, I recall telling my staff that that would be our comment for the night. So the people who work for me in the NSC press office, you know, everybody was being asked to respond to inquiries, and I remember determining that, you know, we would just have that one statement be our comment for the night.

Q What was the thinking behind that, have that one statement coming from the State Department be the sole statement from the U.S. Government?

A Again, my recollection is that this was an attack that had targeted our Ambassador, that it was appropriate for the Secretary of State to be speaking for the U.S. Government given that this had happened to people who worked in her department, and again, that made them the appropriate agency to issue a comment.

Q At any point in the evening on September 11, did you have any conversations with anybody at the State Department about Mitt Romney?

A I don't remember conversations about Mitt Romney, you know, not that I remember.

Q Did you have any concern that then candidate Romney might use the attacks in Benghazi to attack the President politically?

A No, I didn't have any of those concerns.

Q Never crossed anybody's mind?

A No.

Q Do you recall having any discussions with Victoria Nuland on the night of the attacks?

A I don't remember having conversations with Toria. I generally spoke to Jake Sullivan. Again, I'm often on email communications with various officials, including Toria, but my recollection of who I spoke to that night is Jake Sullivan.

Q Just bear with me a moment. I've got a couple of documents for you to look at.

Mr. Missakian. Off the record for a second.

[Discussion off the record.]

[Rhodes Exhibits Nos. 1 and 2 were marked for identification.]

Mr. Missakian. Back on the record.

BY MR. MISSAKIAN:

Q Mr. Rhodes, I've given you two documents, one marked exhibit 1, the other marked exhibit 2. Exhibit 1 is a set of emails, the first one from Victoria Nuland to Eric Pelton. The second one is also a series of email. The one at the top from Bernadette Meehan to

Victoria Nuland and others. Once you've had a chance to look them over, just let me know.

Let begin with what's been marked as exhibit 1. Now this is a series of emails. The one at the bottom is from Victoria Nuland to you and some other folks on September 15th, and it talks about a warning on Cairo. And if I read it correctly, it suggests that people were aware of the video circulating, and that it might lead to protests or demonstrations.

Having seen this, does this refresh your memory at all with regard to whether you had warning of the protests in Cairo?

A Well, this is -- what I recall is that in the days -- this is following September 11th.

Q Yes.

A So there was discussion of the question of warning that was in the press over the course of that week and that that's what this would have been in reference of.

Q Well, let's read it. It appears to me that you all are trying to agree on some language here, and the proposed language -- I'll read it -- it says, "We were well aware, through embassy monitoring and social media and other sources, that the film was being used to whip up strong feeling in Egypt which could lead to demonstration."

So it seems to me that this statement is going to go out after the fact, but it suggests that at least the State Department was aware of the potential for demonstrations before they occurred. Is that a fair reading in your mind?

A My recollection is that after the demonstrations were taking place, we actually became aware of the extent to which this had -- this video had run on Egyptian television, and that had caused concern.

But again, my recollection is that, you know, this relates to what was transpiring over the course of the week as people were trying to determine what the warning was.

Q Okay. Let's move up a little bit in the chain. Second from the top, it says, "E- backstory is River did warn but only after your friend Larry Schwartz had told RSO and Chargé had agreed to close early, sigh."

Again, in my mind, it seems to suggest that there was a warning that had been received prior to the demonstrations in Cairo, and I'm just asking you if you were aware of those warnings?

Ms. Sachsman Grooms. This is that email that is not to him and he's not included on?

Mr. Missakian. Yes, that's correct.

Mr. McQuaid. Just -- you're asking about -- you keep talking about demonstrations in Cairo.

Mr. Missakian. Yes.

Mr. McQuaid. Are you specifically referring to the demonstrations on September 11th?

Mr. Missakian. Yes.

Mr. McQuaid. So I just want to make -- that's what your question is.

Mr. Missakian. Yes.

Mr. McQuaid. Not any more broad.

Mr. Rhodes. Again, I would not have been necessarily aware of all the warnings that went to Embassy Cairo. So I recall being made aware of this environment surrounding the film in Egypt as that situation was developing.

BY MR. MISSAKIAN:

Q Okay.

A That's just my recollection.

Q Okay. Let's go to exhibit 2. Again, a series of emails. The one at the bottom is from Victoria Nuland to a number of people, including Bernadette Meehan, and who is Bernadette Meehan?

A She was a spokesperson on the National Security Council who had responsibility for the Middle East.

Q So she's a member of your staff?

A Yes.

Q And the statement that they're -- the proposed statement they are circulating draws a very clear distinction between Cairo and Benghazi, and I'll read it into the record.

"We can confirm that our office in Benghazi, Libya, has been attacked by a group of militants. We are working with the Libyans now to secure the compound. We condemn in strongest terms this attack on our diplomatic mission."

The next statement. "In Cairo, we can confirm that Egyptian police have now removed the demonstrators who had entered our embassy grounds earlier today."

Then it goes on. "For press guidance, if pressed whether we see a connection between these two, we have no information regarding a connection between these incidents."

And if you work your way up the chain a little bit, Victoria Nuland says, "We are holding for Rhodes' clearance. BMM, please advise ASAP."

Bernadette Meehan writes back. "Ben is good with these and is on with Jake now, too."

So first question is, do you recall reviewing this proposed statement that was going to be released to the press on the night of September 11th?

A I don't. It's certainly in line with my job responsibility, but I don't have a specific recollection.

Q Do you have any reason to believe that the information contained in this statement is any different than you reviewed that night?

A No. We endeavor to put out the information as we understand it at the time.

Q And it says, "Ben is good with these," which I presume means you approve the content of the statement, and it also refers to the fact that you're on with Jake now. I assume that means Jake Sullivan?

A Presumably, yes.

Q Do you recall having a -- now, having seen this, do you recall having a conversation with Jake Sullivan either about this statement or about anything else relating to Benghazi in that 6:30 timeframe?

A Again, I remember talking to Jake about what our public response is going to be, and in particular, the statement that the Secretary would put out, and just trying to understand what was happening. So I couldn't specify the exact time those conversations took place, but I remember speaking to him that evening.

Q Okay. Was there any discussion about why this statement wouldn't just be turned into the Secretary's statement later that night? Why was it changed so dramatically?

A Well, often in fluid circumstances, the State Department has to put out an initial comment just to provide the basic information to press that is asking, and then in the statement, we had additional information that we wanted to convey, including tragically that there had been a fatality.

Q Yeah. Other than the fatality, what additional information was conveyed in that second statement?

A That we were -- again, I don't have the statement in front of me, but that we were -- we certainly wanted to convey that we were doing what we could to support our men and women serving overseas, and there was an expression of condemnation for the attacks, and then there was an expression of American values as it relates to the video that

was, again, being cited by many actors in the region who were protesting at facilities.

Q So at some point in the evening around 6:30, you approved the statement that I read into the record earlier, and then later on, at about 10:08, another statement goes out from the State Department.

Between 6:30 when it appears you approved the statement that's reflected in exhibit 2 and 10:08, did you learn anything that that would have called into question statements that are made in exhibit 2?

A No. What we learned is that we had a fatality in Benghazi.

Q But that would not have called into question the statements made in exhibit 2?

A No. That was just information as to the status of our personnel in Benghazi.

Q Just additional information?

A Uh-huh.

Q That was not available at 6:30 when you approved this?

A Uh-huh.

Q You have to say yes.

A Yes.

Q Yes?

A Yes. Sorry.

BY MR. DAVIS:

Q Turn your attention back to exhibit 1 just briefly.

So at the very bottom of the page, email from Victoria Nuland to you and several other individuals, moving up one, there's a response from Tommy Vietor, and who's Mr. Vietor or was at the time?

A National Security Council spokesperson.

Q And he worked on your staff?

A Yes.

Q He worked for you?

A Yes.

Q And his response is, "I think that makes perfect sense. Can also remind people it had nothing to do with Benghazi," two exclamation points.

How did you take his email to mean "Can also remind people that it had nothing to do with Benghazi"? What do you think he was referring to there?

A I don't know. I don't remember this email until I saw it.

Q Looking at it now, what do you think he meant when he said, "Can also remind people that it had nothing to do with Benghazi"?

A I don't know what he's referring to.

Q Does he refer to the film just referenced in the --

A I don't know. I don't want to suggest what Tommy was referring to. It could be any number of things. He could be referring to the warning. I just don't know what he's referring to.

Q Do you recall at the time whether -- in the public arena, either through the press or through other individuals, there was

concern that the Cairo warning was somehow linked to Benghazi? Do you know if that discussion was ongoing?

A I remember there was just public discussion about what the warning was generally related to both Cairo and Benghazi. That was certainly part of the ongoing series of questions we were being asked by the press.

Q And was the press asking whether or not the film had anything to do with Benghazi during that time?

A I remember the press asking about the film, about the warnings, about any aspect, any angle of the developments that were taking place in both Libya and the Middle East.

Mr. Gowdy. Mr. Rhodes, the second sentence, this is the Nuland email to you, et al, including Mr. Vietor, subject, Cairo warning. Last sentence, "This is why we took the precaution of sending both embassy staff home early that day, comma, well before the protest even began."

Is it possible that Mr. Vietor's "it" was referring to that, the decision to make the additional security precaution of emptying out your facility as opposed to what may or may not have happened in Benghazi?

I'm just trying to figure out what full range of options of what "it" could mean. Could it mean that?

Mr. Rhodes. Again, I just -- I don't know what he's referring to, so it's hard for me to hazard a guess. Presumably, it could be any range of things that are encompassed in that statement.

BY MR. DAVIS:

Q He finishes his email with two exclamation points. Does that mean anything to you, the fact that he put two exclamation points in the email?

A That would not be uncommon for Mr. Vietor.

Q Were there discussions internally between you and Mr. Vietor and anybody else on the email chain regarding protests in Benghazi, the film in Benghazi, or the Cairo warning in Benghazi?

A During which timeframe?

Q I'm sorry, between September 11 and the time the email was written, September 15?

A Well, during that timeframe, again, the people on this email chain, certainly Tommy Vietor and Toria Nuland were responsible for responding to press inquiries, preparing for daily briefings, so they are dealing with every possible question that we could have been getting about the events in Benghazi or the protests against us across the Middle East.

Q Was there an assessment or a consensus between the core group of people on this email chain that either the film, protests, or the Cairo warning had nothing to do with Benghazi? I'm trying to understand why -- why he wrote that email in the manner he did?

A Well, it was not the -- it was not our -- well, I'll speak for myself. You know, insofar as we're responsible for communications and messaging, we don't formulate the determinations about, you know,

what the nature of the attack was in Benghazi. We're just in a position of trying to get the best answers and --

Q I'm not asking for an official assessment.

Mr. McQuaid. Hey, could you please let him finish. You cut him off.

Mr. Rhodes. Yeah. We're just trying to get the best information out that we have at the time, and we're also dealing with, in addition to the attacks in Benghazi, a series of violent protests at our diplomatic posts across the Middle East all week. So that was the context for this?

BY MR. MISSAKIAN:

Q Mr. Rhodes, I'm going to show you a copy of that 10:08 statement. Mark this as exhibit 3.

[Rhodes Exhibit No. 3
was marked for identification.]

BY MR. MISSAKIAN:

Q Mr. Rhodes, I know I asked you this before, but why -- let me withdraw that. On the evening of September 11, the group Ansar al-Sharia had taken responsibility for the attacks. Why wasn't that fact included in the statement that was put out at 10:08 that you have there in front of you as exhibit 3?

A We don't make our own determinations about who's responsible for attacks on our facilities based on the claims of extremist groups. We have to reach our own judgments, and we turn to

our intelligence community to make those judgments. So we wouldn't simply take at face value a claim by an extremist group.

Q Well, I'm not asking you to take it at face value, but it could have been included in the statement that the group Ansar al-Sharia as a matter of fact had taken responsibility. That's not saying they did, but you could have reported that fact or included that fact that they had. Why wasn't -- why didn't that occur?

A Again, because we make our own determinations based on the assessments of our intelligence community about something as serious as a responsibility for an attack. We would not simply take at face value the claim of an extremist group.

Q So you wanted to do -- you were waiting for a further investigation to be done?

A Again, in any case like this, we wait until we receive judgments from the intelligence community.

Q Not only the intelligence community, but in this case, the FBI as well. Is that correct?

A Yes. Whenever Americans are harmed, there is also an FBI investigation that is a further fact that we have to take into account.

Q And by this point in time, this is now September 11th, the intelligence community had not weighed in, certainly the FBI had not weighed in as to what had occurred?

A That's my recollection.

BY MR. DAVIS:

Q The third paragraph, the statement was beginning, "Some have sought to justify this vicious behavior as a response to inflammatory material posted on the Internet."

Who is the "some" referring to here?

A Again, my recollection is that in that period of time, there were different voices that we were seeing in the Middle East that were seeking to provoke actions against our diplomatic facilities because of that video, and there was a concern that we had to try to tamp down that situation.

Q Who were those different voices in the Middle East?

A Different extremist voices, different actors that we saw seeking to, again, call for protests at our facilities across the Middle East.

Q How were you aware of these different voices?

A Again, I remember, over the course of this day and the following days, hearing concern from the State Department that their embassies were becoming aware of that type of activity.

Q So you heard from the State Department that they were concerned?

A Yes.

Mr. Gowdy. Sir, before you leave that point, what happened subsequent to the issuing of this statement would be much less relevant than what you had heard prior to the issuance of this statement, so can you recall what that "some" may have meant prior to the issuance of this statement?

Mr. Rhodes. Well, what I certainly can recall, again, is the very serious concern that we had about the situation in Egypt, given how volatile the security environment was there and given the penetration of our embassy. So again, this statement is in the context of responding to the attacks in Benghazi, and also an ongoing risk that we perceived to personnel in Cairo, at a minimum, and again, in addition, I think we were hearing from different posts a concern that this type of activity could spread.

Mr. Gowdy. I understand that, but I think you told Mr. Missakian that you didn't want to include a specific reference to the perpetrator because of a lack of verification sufficient to include it, but yet, we're including something that just is generally covered by the word "some."

So how do you square the decision not to include something that has a certain amount of specificity with something that really couldn't be any less specific than the word "some"?

Mr. Rhodes. Well, again, when it comes to an attack on Americans, we take very seriously working through the determination and assignment of responsibility with our intelligence community.

On the question of people seeking to incite violence against our diplomatic facilities, that was clearly taking place, and when we think about how we utilize messaging like this, we very much want to try to send signals of calming down the situation. These are the types of messaging that -- this is the type of messaging that is going to be utilized by posts who are trying to tamp down the situation.

So again, my recollection is that the determination was made that it was important that we do what we could to try to tamp down the situation, informed by what had happened in Cairo and the concern that that could take place in other posts in the Middle East.

BY MR. MISSAKIAN:

Q Mr. Rhodes, you said that you're not an operator, you don't have any operational responsibility, but your job is to put out statements, and in relation to that, to try to get the best information available at the time that you would then draw upon to put in a statement. So just take us through it.

How did you, for yourself, make sure you had the best information about what had occurred in Benghazi that night? Who did you talk to? What documents did you read? Who did you pick up the phone and call? What did you do to make sure you had the best information available that was then going to be reflected in the statement that's been marked as exhibit 3?

A Well, this is a statement from the Secretary of State, originating from the State Department, so first of all, they would be principally responsible for putting together the statement. I would play a coordinating function from the White House. In terms of the information, in this case, you know, I would be relying principally on the State Department, not only because it's their statement but because it's referencing their awareness of the loss that we had suffered and the steps that Secretary Clinton had taken, including speaking to the President of Libya.

Q So maybe it's fair to say that you really didn't take any affirmative steps yourself, because you believed that the best information available was coming from the State Department to you. Is that fair?

A Well, and again, it was the State Department statement, so in that instance, they are going to be the principal source of information and --

Q Did you view them as the best source of information?

A I viewed them as an important source of information, given it was their people who had been attacked and that they were, you know, dealing with the response.

Q So as far as you can recall today, that was your only source of information that night?

A Well, again, insofar as we were having many conversations around the White House, I'm aware that people I'm speaking to could have other sources of information if I am talking to the senior National Security Council officials. They would have been the benefit of information from multiple agencies.

Q What agencies?

A The intelligence community.

Q Can you be specific?

A Again, when we --

Q I'm not -- this is not, again, not a trick question but if you --

Mr. McQuaid. Okay. Mr. Missakian, you cut him off again.

Mr. Missakian. Yeah. I'm just going to clarify the question for you. I think it will help.

BY MR. MISSAKIAN:

Q You said the intelligence community would have. If you can't recall any specific sources of information that night, that's a perfectly acceptable answer, and so I don't want you to guess or speculate, but if you recall that somebody at the White House received information from a specific agency within the intelligence community, that's --

A Okay. I see.

Q -- what I'd like to know.

A I don't have a recollection of, you know, a specific piece of information within the intelligence community. I'm referring more generally to, in circumstances like this that are very fluid, people are receiving updates from different elements of the government.

Q Okay. That's fair. Thank you.

Ms. Rhee. This would be a good time to take a break. I think we are almost at the hour.

Mr. Missakian. Let's go off the record.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

Mr. Gowdy. Craig, given that we have votes coming up, do you want to give --

Mr. Missakian. Go off the record.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

BY MR. MISSAKIAN:

Q I'm going to mark 2 documents, one, exhibit 4; the next one, exhibit 5.

[Rhodes Exhibits No. 4 and 5 were marked for identification.]

BY MR. MISSAKIAN:

Q For the record, I've given you exhibit 3 as a multi-page email. I think I have the numbers wrong. Exhibit 4. Go off the record for a second.

[Discussion off the record.]

Mr. Missakian. Okay. Back on the record, please.

BY MR. MISSAKIAN:

Q Have you had a chance to review those documents?

Ms. Sachsman Grooms. Craig, can you just put on the record what you're --

Mr. Missakian. Yes. For the record, exhibit 4 is a multi-page email. The first one on top is from Benjamin Rhodes to a variety of people dated September 13th, 2012. Exhibit 5 is the email from Benjamin Rhodes dated September 4th, 2012 -- September 14th, 2012.

A Yes.

BY MR. MISSAKIAN:

Q Focusing first on exhibit 4, do you recognize this document?

A Yes.

Q Did you review this document in preparation for your interview here today?

A I saw it this morning.

Q Okay. The subject line is "USG public response to events in Libya and Egypt."

So is it fair to say that these talking points were meant to cover what had occurred in Benghazi as well as in Cairo?

A My recollection is that these were intended to be used across the region to respond to the ongoing protests that were taking place.

Q My question is, is it fair to say that the -- this document, the talking points were also intended to cover the events that had occurred in Libya as well?

A They weren't intended to describe the events in Libya. They were intended to be used by government communicators who were responding to the ongoing protests that were taking place across the region.

Q Okay. Well, in this document now, this is September 13th, 2012, did you intend, through this document, to tie the video to what had occurred in Benghazi?

A No.

Q Then how did you expect people hearing these talking points on the movie to understand they related to the events in Libya?

A So my recollection of these points is that we were profoundly concerned about ongoing protests taking place across the

region. This was on a Thursday. Friday prayers was identified for us as a day in which it was most likely that there would be violent protests across the Middle East because people assemble in large groups after going to Friday prayers, and we were seeking to provide information that our government communicators, including our embassy posts could use to try to get ahead of those events and try to avoid the worst possible outcome on Friday.

Q When you prepared this memo now on September 13th, 2012, does it reflect any information that you received in any classified briefing or classified document?

A Exhibit 4?

Q Exhibit 4, yes.

A I think if you look at the contents of that series of points, it reflects a very deep concern that this video was being utilized by extremists and bad actors to try to provoke violent protests at our diplomatic missions, and we were seeking to do everything we could to minimize and mitigate that situation.

Q My question is a different one. Does the content of this memo reflect any information that you derived from any classified briefing or classified document?

A I do not think so.

Q And just so we're clear, by this "Talking Points on Movie," you never intended to draw a connection between the video and the attacks in Benghazi. Is that your testimony?

A Yes. I think if you look at the contents of the points, they're very much focused on seeking to mitigate the public response in the Middle East to that video and the ongoing protests that were taking place because of it.

Q Now, the first sentence before the section that has the talking points on the movie refers to a call. Do you recall what -- do you recall the call that you referred to in this email?

A I don't remember one call. I do remember there were many calls taking place over the course of the week among interagency communicators about how to try to calm the situation in the Middle East.

Q But you don't recall this specific call?

A I don't remember that specific call.

Q Okay. After that, you say, "adapted from the Secretary's words this morning." What Secretary's words are you referring to?

A I believe she made a public statement that had some of those messages within it.

Q Was that what's sometimes referred to as her Morocco statement?

A I don't remember where she gave it.

Q How did you get it?

A How did I get her statement?

Q Yes.

A I don't remember how I would have specifically gotten her statement. There are many ways to receive her public statements.

Q Sure, but do you recall somebody sending it to you? Do you recall asking for it? I mean, how did the Secretary's remarks that morning become the basis for this "Talking Points on the Movie" memo?

A I don't remember how I received her remarks.

Q Now, between September -- the evening of September 11 around 10 o'clock when that statement went out, and when you put this "Talking Points on the Movie" memo together, what did you do to ensure that you had the latest, most accurate information about what had occurred in Benghazi?

A Again, I remember being very focused over the course of this time period on the very fluid ongoing events in the Middle East, including, again, protests, some have been violent at our diplomatic facilities. That was consuming a significant amount of my time. With respect to the events that had taken place in Benghazi, you know, I would have deferred judgment as to what had taken place to the guidance we received from the intelligence community.

Q I just have a few minutes left, so let's finish with that.

Do you -- what guidance from the intelligence community do you recall receiving during that period from September 11th through that following Sunday, September 16th?

A I remember it being consistent with the talking points that they were preparing for potential public use in that they didn't have a specific assignment of responsibility but they were piecing together bits of information about what they thought had taken place.

Q I'm not asking you at this point about the content.

A Yeah.

Q I'm asking you specifically about how did you get that information. Was it in written form? Did somebody show up and give you a classified briefing?

A Yeah.

Q How did that occur?

A How do I receive intelligence?

Q Well, you can start with how you receive it generally, but I'm more interested in how you received it specifically that week?

A Again, I don't have a recollection of individual intelligence briefings from that week. It would have -- generally, it's the case that at the beginning of certain meetings, there is an intelligence briefing that's given where I receive written products on a regular basis from the intelligence community.

Q Okay. Have you attempted, since then, to compare the intelligence you received that week with the what's been referred to as the HPSCI talking points?

A I have not.

Q Okay. Alright. So I'll just ask you a couple of questions about exhibit No. 5, then we'll wrap up our hour. And exhibit 5 is an email from you to a variety of people on September 14th at 8:09 p.m.

Tell us what we're looking at here?

A This would be prep materials for Susan Rice's appearance on Sunday talk shows.

Q And we'll talk about that prep later. Again, is any information contained in this email derived from classified information?

A I don't believe so.

Q And I'll just ask you, was this document intended to explain, refer to, discuss what had occurred at Benghazi in any way?

A Again, my recollection is that we were providing Susan Rice with the talking points that were being prepared for HPSCI, and we were going to make sure that her prep materials incorporated that. In looking at this document, the information that we received -- the information that relates to the attacks in Benghazi would have been from our press guidance.

Q This document was meant to be part of the packet that Susan Rice would have used to prepare for the Sunday talk shows, correct?

A Yes.

Q Okay. And you asked her to go those Sunday talk shows, correct?

A I did ask her on behalf of the White House after -- yes, I did.

Q And why didn't Secretary Clinton do the talk shows?

A I don't know.

Q Did you talk to her about it?

A I didn't speak to her personally.

Q Who did you speak to?

A I remember asking her staff if she would be available for the Sunday shows.

Q Okay. Who on her staff, Cheryl Mills or somebody else?

A I believe it would be Philippe Reines.

Q Did he tell she would not do the shows, and if he said that, did he give an explanation?

A I don't remember hearing an explanation from him.

Q Okay. My hour is up, so we'll hand over the baton.

Mr. Missakian. Off the record.

[Discussion off the record.]

[4:15 p.m.]

Ms. Sawyer. Okay, we will go back on the record.

EXAMINATION

BY MS. SAWYER:

Q Mr. Rhodes, my name is Heather Sawyer. I'm one of the counsel with the minority members of the select committee. Thank you for being with us today and agreeing to appear voluntarily to answer our questions. I'm joined by Congressman Schiff, who is a member of the select committee, but also the ranking member on the House Permanent Select Committee on Intelligence. I know he has some questions.

So I'm going to just start with a few follow-up questions from the last hour, and then we will just move from there, and the Congressman will also have some questions after I have a few minutes with you.

Just returning briefly to exhibit 2, that email chain is dated, that bottom one there from Victoria Nuland that was discussed, is dated September 11. The time stamp on it is 6:10 p.m. You know, it's our understanding that eastern time the attacks in Benghazi started maybe 2-1/2 to 3 hours before this email would have been sent. So is it fair to say that that was pretty preliminary in the understanding of what had happened in Benghazi?

A Yes, this would have been very preliminary.

Q And when you were explaining kind of what the goal was here, the way you put it and explained it to us was that you endeavored to put out information as we understand it at the time. So was that kind

of the goal here, was to put out the information to the best that you understood it at that time, 2-1/2 to 3 hours into the attacks?

A Yes. It was a fluid and ongoing situation that was attracting public attention, so this would be a very preliminary comment.

Q And it wasn't intended to be the definitive statement as to what had happened in Benghazi?

A No. And my recollection is that that event was still very much in progress. It was meant to be essentially a holding comment that the State Department could use.

Q And since you were endeavoring to put out the information as you understand it at the time, presumably you would update that information when it was available and ready to be released into the public domain.

A Yes. The common practice in situations where you are dealing with very fluid events overseas is to regularly provide updates as we gain a better understanding of those events.

Q And that would have been true about any of the comments in that email, including, for example, that bottom line, which says, quote: "We have no information regarding a connection between these incidents," end quote. To the extent different information came in on that, that might be updated?

A Yes. And, in fact, that statement makes clear that that represents our best information at that time.

Q And that principle, that you endeavor to put out information as you understand it at the time, is that a governing principle about the work that you were doing that week with regard to Benghazi, and more broadly, with regard to the regional unrest?

A Yes. Often over the course of that week, and in general, we have to respond to complex events as they are happening, and the way in which we respond is to put out the best information that we have at a given time.

Q And I think you were trying also to explain that at different times the message you are trying to communicate with the public may have different goals. Is that accurate?

A Yes, that's right.

Q So sometimes the goal might be addressing something that you anticipate will be happening in the future, like the potential for future protests. Is that accurate?

A Yes. I remember being deeply concerned over the course of this week about the potential for protests and violence at our diplomatic posts, and much of our messaging over the course of the week, in the region in particular, was focused on trying to mitigate that type of activity.

Q And then sometimes certainly there might be a statement particular to explaining exactly what happened in a particular place like Benghazi?

A Yes, but that would be a different exercise.

Q Than the one we are potentially -- it could be?

A Yes.

Q Is it possible that there could be some pieces that you would be called upon to explain both things, both what had happened in Benghazi and what had happened more broadly?

Mr. McQuaid. I'm sorry, please make sure that you direct him towards the time period and not generalize.

BY MS. SAWYER:

Q My apologies. Please presume that in the questions that I ask that I am limiting you to the timeframe that my understanding was had been agreed to, which is the week of the attacks, but also specific to just messaging about the attacks. And I believe it was the month of September. Is that accurate?

A Yes. So we, for instance, are often preparing for press briefings in which we are going to be asked about a variety of different events, and therefore our messaging has to be able to speak to different audiences and accomplish different objectives.

Q And again, regardless of the objective, the goal that you had, which was, as you have put it, endeavor to put out information as you understand at the time, would that apply regardless of kind of what the goal is of the message?

A Yes, that would be a uniform principle.

Q And therefore, since it's the best information at the time, that information might change and therefore what you would communicate to the public might change.

A Yes.

Q So just directing your attention, we will just move to exhibit 3, which my colleagues discussed with you a little bit. And this is the document that up at the top says, "Statement on the Attack in Benghazi, Press Statement Hillary Rodham Clinton," and this is the one, I think that you indicated you thought had come out around 10 or so on that same evening, the night of the attack, September 11th. Is that --

A Yes.

Q And you had, I think, explained to us that, you know, there were certain things in your mind and goals, and I think as you described it, you said the principal concern was the safety of our people, preventing further instability, encouraging calm. Just generally, and I certainly would be happy to give you time to read it, did you feel that those goals were accomplished with this statement?

A Yes. I think it provides a response to the attack on our facility in Benghazi, while conveying our commitment to the security of our personnel and expressing a statement of American values in response to the general environment in the region.

Q I mean, you had explained the sentence that you were asked about, the one that says, quote, "Some have sought to justify this vicious behavior as a response to inflammatory material posted on the Internet," as an effort to push back against individuals who might use this incident or the vicious behavior as justifiable or to incite -- to use the video.

A Yes, we were deeply concerned by the way in which people had used the video to incite certainly the protests that took place in Cairo. And, again, there were indications that there might be similar efforts in different parts of the Middle East.

Q So in that regard, would it be fair to characterize that sentence as somewhat prophylactic, as an effort to send a message, that that sentence combined with the following, which goes on to say, "The United States deplores any intentional effort to denigrate the religious beliefs of others. Our commitment to religious tolerance goes back to the very beginning of our Nation. But let me be clear: There is never any justification for violent acts of this kind," end quote. What was the goal of kind of that message there?

A So it was, in part, to try to reduce and mitigate the potential for further incitement and violence going forward, given that we had indications that people were going to be trying to utilize this video to incite attacks against or protests against U.S. diplomatic facilities. When you have a statement of this nature that is being issued by the Secretary of State, that forms the basis of how embassies and posts are communicating in their own environment in their own countries. And this type of language would be utilized to try to prevent further incitement, further violence.

Q And did you understand the purpose of this piece in any way to be to provide a definitive accounting of what had actually happened in Benghazi that night?

A No, it was not intended to serve that purpose.

Q And was it in any way intended to identify or name the individuals responsible for what had happened, even by kind of a categorical description, the individuals responsible for what had happened in Benghazi?

A No, it was not intended to assign responsibility for the attack on any individual or group.

Q And even that sentence, "Some have sought to justify," did you understand this as speaking to the particular motivations of the individuals who had been responsible for what had happened in Benghazi?

A My recollection is that that would have responded to the general events taking place in the region as a whole.

Mr. Schiff. If I could just follow up on that. You know, we tend to view Benghazi in isolation and not think about what else was going on in the region and throughout the Muslim world at the time. Was there a concern that this video might be perceived in the Muslim world as having been essentially made or sponsored by the U.S. Government or expressing the views of the U.S. Government?

Mr. Rhodes. Yes. Often when we see products of that nature, we see extremists who seek to link the video to the U.S. Government or the policies of the U.S. Government. That's been the case, Congressman, with Koran burnings and other incidents where we have seen events that were not controlled by the U.S. Government utilized to spark protests and even violence against our personnel overseas.

Mr. Schiff. Isn't it also the case that in many parts of the world people can't understand how something could be aired, even online, in

the United States if the government didn't want that, they don't have an understanding of our First Amendment freedoms and think that it wouldn't be aired if the government didn't want it to be aired?

Mr. Rhodes. Yes. And, frankly, in some parts of the world people have that view because that's the case where they live. Their own governments would have greater control over the information space.

Mr. Schiff. And I assume for that reason it was important to include the statement that the U.S. "deplores any intentional effort to denigrate the religious beliefs of others," so that people would be aware this is not the U.S. Government speaking through this video, we deplore that message.

Mr. Rhodes. Yes, we felt it was very important to separate ourselves and condemn the message in the video given the risk it could pose to U.S. personnel and diplomats serving overseas.

Mr. Schiff. But it would not have been enough to say that alone, because then some might infer that just by condemning the video you're implying that the video justified the violence. So it was also necessary to make it abundantly clear that there is never an excuse for this kind of violence.

Mr. Rhodes. Yes. And it's a complicated exercise in that we have to defend the right of freedom of speech while at the same time making clear that that speech does not reflect the views of the United States Government.

Mr. Schiff. So this paragraph that you were asked about really seeks to accomplish both those objectives, saying this is not the U.S.

Government speaking, we don't agree with this message, and at the same time this is never justification for violence.

Mr. Rhodes. That's right.

Mr. Schiff. And, you know, I would imagine, and correct me if I'm wrong, that in the wake of a tragedy like having some of our personnel killed, you know, first you want to condemn the attacks. You want to express condolence for those who are lost. You want to indicate what you are doing to protect the personnel. And then you want to issue any statement that might help protect or curb any further violence against Americans. Would those be some of the primary objectives?

Mr. Rhodes. Yes. And my recollection of the course of that week is that when you have a tragic loss of U.S. personnel, your desire to do whatever you can to avert any further harm to our diplomats is that much greater. And so we wanted to do whatever we could to protect our people, both physically, their physical security, and in terms of trying calm the situation in the region.

Mr. Schiff. And that would be the foremost priority in one of the earliest statements on the events. It's not necessarily the time and place to be going into detail about what the intelligence community or others may think about who the specific parties responsible would be.

Mr. Rhodes. That's right. And it would -- again, the purpose of this statement was not to make a determination of responsibility for an event that, again, was still so fluid.

Mr. Schiff. The staff is going to go through the documents with

you in much greater detail, but, you know, I would like to give you an opportunity to respond to kind of the overarching allegation that's made concerning the public statements in the immediate aftermath of Benghazi. And as I best can understand it, the allegation is that there was an effort to create a narrative at odds with the facts for some political purpose.

And I wonder if you would like to comment on that. You said you knew Ambassador Stevens. And, you know, what's your reaction to, you know, this theory that's been continually propagated out there that there was an effort to spin this, to tell a political story at odds with the facts?

Mr. Rhodes. Well, first of all, I did know Ambassador Stevens and, you know, consider his loss in Benghazi, along with the others who I didn't obviously have the privilege of knowing, you know, one of the most painful events that has transpired while I have been in government. And, you know, to those of us who knew and worked with him, he represented not just what was best about what we were trying to do in Libya, but what's really best about what the United States tries to do around the world.

I'd say that in terms of your question, you know, first, what I remember about this week is that we were enormously concerned about this video and the protests that we were seeing around the world. I remember that we had an expectation that on that Friday there could be significant violence in different parts of the Muslim world at our diplomatic facilities. I remember being personally concerned about

individuals who I knew who worked in those embassies. I remember that Friday, there was a breach of our Embassy in Tunis and a black flag raised at that facility. There was a breach of our Embassy in Khartoum. There was a torching of an American fast food restaurant in Lebanon.

And again, many of us who worked in the White House and the State Department were personally concerned. These were our friends and colleagues who worked in these facilities. So the concern expressed over the course of this week about this video was entirely rooted in our desire to try to calm tensions in the Middle East.

With respect to the events in Benghazi, in any situation where you're trying to, again, put forward information to the American people related to a terrorist attack or an ongoing international crisis, by definition, that information is going to evolve as the intelligence community reaches its judgments and we try to put that information out as best we can. And that's what we did, certainly, in this case.

So again, you know, as a personal -- on a personal matter, what I will most associate with the attacks in Benghazi is the loss of someone I knew and respected, Chris Stevens.

With regard to this broader question, I feel very strongly that the United States needs to do whatever we can to protect our people, and sometimes that involves deploying resources, sometimes that involves messaging in a way that seeks to minimize the types of situations that can get out of control, which is what we saw in the manipulation of this video by certain extremists.

Mr. Schiff. And the statements of the Secretary and that you worked on were designed to minimize the risks of our personnel overseas, they were not part of a political strategy involving Mitt Romney, as you were asked earlier.

Mr. Rhodes. My recollection, to give you a specific example of how much our focus was on our personnel overseas, is one of the things we did this week is we tried to identify through the State Department the alumni of all U.S. exchange programs in Middle Eastern countries so that we could see if they could be activated and motivated to speak out against the incitement against the United States, in support of the presence of the United States in these countries. That's the type of thing that we were worried about, you know, how can we do whatever we can to protect our people.

It's the nature of working in the White House and in Washington that we are going to receive questions from the press that have different elements. Some are focused on foreign policy. Some may be political. And so at the same time that we are doing everything we can to respond to events, we are having to respond to the questions that we are getting every day in our briefing.

Mr. Schiff. Were you ever pressured by anyone to alter the facts to conform to a politically motivated narrative?

Mr. Rhodes. No.

Mr. Schiff. I think that's all I have. I yield back to the staff. Thank you.

BY MS. SAWYER:

Q So picking up from there, and just having you take a brief look at exhibit No. 4 that was discussed in the last hour. And this, again, was an email. The top line is actually from you. It's a three-page document. But just directing you to the actual originating chain of this email, which is the third page, which is from Bernadette Meehan. The subject line there, the one that you were asked about, is actually her subject line, not yours. Is that accurate?

A That's correct.

Q So to the extent one might try to ascribe to you a particular intent based on the subject line on the first page where it's just, the subject line is re: "USG public response to events in Libya and Egypt," that wasn't actually a subject line that you authored. Is that accurate?

A That's correct.

Q And you had explained in the last hour that the goal of what you were doing here was to help in advance. And the date of your email is Thursday, September 13th. You did talk a little bit about the concerns in particular that people had coming up on Friday prayers in the evening and that you had indicated that this document was really designed to help people have points to communicate publicly in an effort to address that regional unrest. Is that accurate?

A That's correct. I have a very clear recollection of the fact that on that Thursday we were acutely concerned about what we as

a government were saying about this video given the likelihood of protests after Friday prayers across the Middle East.

Q And Congressman Schiff, with regard to -- one of the things, first before I ask you that question, that Bernadette Meehan references in her very initial email that starts the chain is thanks for cooperation. It says: "To recap, both the President and Secretary Clinton released written statements, and made on camera statements." I think one of those statements, obviously, would be what we have discussed at some length in exhibit 3, is that accurate, from the Secretary?

A Yes, I believe so.

Q And so, you know, the Congressman walked you through that third paragraph in exhibit 3 and kind of, you know, had you explain, I think, quite fully and well, kind of what each purpose was there. And just looking at that paragraph and thinking about what he and you discussed, and now looking at, again, the front page of exhibit 4, you know, one of the things he asked you was whether the goal was in some ways to distance the United States from these videos and explain that the United States Government was not responsible for those.

That, to me, seems to be what's reflected in that second bullet there. Is that just an accurate representation when it says, "As Secretary Clinton said today, the United States Government had nothing to do with this movie"?

A Yes, that would be the intention of the statements.

Q You know, and I think as you both discussed with regard to exhibit 3, that next bullet then goes on to say, "Once the U.S. Government has been distanced, to also then explain that nonetheless there is no justification for violence." And that was another goal, was to make clear that regardless of what the U.S. Government was saying in terms of distancing itself and our respect for religious beliefs, we still were not condoning violence.

A Yes, that is correct.

Q And then again, a little further down, in the fifth bullet point, another principle that you both discussed is just explaining why the United States couldn't simply stop that video from being released.

A Yes. That was something that I recall being of particular importance to State Department posts overseas who were having trouble explaining that point to their audiences.

Q And with regard to the goals here, was it your intent, understanding, or kind of your task or goal here to in any way provide a definitive accounting of what had happened in Benghazi with exhibit 4?

A No. My recollection is that these points served a very different purpose in, again, seeking to deliver messaging about this video in ways that would be most useful to reducing tensions around the world.

Q So it wasn't in that regard, I'm just going to say, it wasn't backward-looking in terms of assessing what had happened in Benghazi.

It was more a forward-looking measure to try to help people going forward, help make our people safe around the world?

A That's my recollection, and it was expressly in the context of preparing for Friday, so it was looking forward. And it was not intended to be a statement regarding what we understood to be the facts as to what transpired in Benghazi.

Q So given that the Members are going to have to vote, I think what would help just in terms of our time with you is if we just kind of stopped our questioning for now, and we will defer our time and allow the Members who are here an opportunity to ask you questions while they are, if you are available.

A Yeah, of course.

[Discussion off the record.]

Mr. Jordan. I'm going to go back to where --

Mr. McQuaid. Make sure we are on the record and we know what time it is on the record, 4:44.

Mr. Jordan. So, Mr. Rhodes, let's go back to exhibit No. 3, the 10:08 statement the night of the attacks. The sentence that you were discussing earlier with minority counsel, paragraph 3, "Some have sought to justify this vicious behavior as a response to inflammatory material posted on the Internet." And I think you said something to the effect in the previous session that this was not meant to ascribe a motive for the tragedy in Benghazi, but more in a general context. Can you elaborate on that?

Let me ask it this way: What exactly did you want to accomplish with that sentence?

Mr. Rhodes. Again, our concern -- one of our concerns was that we saw efforts to utilize the video to incite protests, including the type of violent protests that we saw in Cairo. And so I recall that we wanted to have messaging in the statement that sought to reduce tensions associated with the video.

Mr. Jordan. So was this sentence not meant to convey anything regarding Benghazi and Libya?

Mr. Rhodes. No, I don't believe so.

Mr. Jordan. You don't think -- this sentence was not about Libya in any way, shape, or form?

Mr. Rhodes. Again, I believe that it was intended to address the broader context in the region.

Mr. Jordan. So that's what has me wondering. Then was there vicious behavior in other places that day?

Mr. Rhodes. Yes. Certainly in Cairo.

Mr. Jordan. But no -- I mean, Pat Kennedy described Cairo as spray paint and rocks. Obviously, Benghazi was much different. So you're saying that vicious behavior applies to Cairo but doesn't apply to Benghazi?

Mr. Rhodes. Again, I think it applies generally to the fact that we had indications that there were individuals who might seek to use this video to justify violence.

Mr. Jordan. I'm asking about the two terms: vicious behavior.

You said this sentence doesn't apply to Libya in a general sense or Benghazi in a specific sense, but does apply to other events in the region; namely, Cairo. Is that accurate?

Mr. McQuaid. Mr. Jordan, please make sure that he gets to finish his questions.

Mr. Jordan. Okay.

Mr. Rhodes. Again, this is taking place in the context where we have a protest that turned violent at our Embassy in Cairo, and we have the attacks in Benghazi. The situation is fluid. There are indications that we are getting from the State Department that there are other actors who are seeking to incite people related to this video. And so one of the objectives in our messaging was to have a statement that, again, sought to minimize our association with this video.

Mr. Jordan. And I understand you conveyed that is one of your objectives, but I'm specifically, again, just for the record, asking that sentence you said does not apply, is not meant in any way to convey anything about Libya, it's about Cairo and the rest of the region.

Mr. Jordan. Again, it's not intended to assign responsibility for what happened in Benghazi. It's meant to describe the context of what happened, what's happening in the region.

Mr. Jordan. You mentioned context a couple of times here. When I look at context, I look at this document. The heading is "Statement on the Attack in Benghazi." Paragraph one: I condemn in the strongest way the attack on our mission in Benghazi. We are securing personnel and facilities. One of our officers was killed in Benghazi. Next

paragraph: I have talked to the Libyan President. So everything in this document is about Libya and Benghazi except you're saying this sentence doesn't apply to Libya and Benghazi.

Mr. Rhodes. Again, as I look at this statement, my recollection is one of the objectives was to convey that we were doing everything we could to secure our diplomats in facilities around the world. If you look, for example, at the last sentence of the statement, it's intended to be about that general principle that we will work with partner countries around the world to protect our personnel, our missions, and our American citizens.

Mr. Jordan. And the sentence may have been -- this is probably a good sentence for you to put out, but put it out under a different heading, put it out this is a statement on the attack in Benghazi. So that's what -- the context I see.

I'm good, Mr. Chairman.

Chairman Gowdy. Mr. Rhodes, I think towards the end of Mr. Missakian, you were getting into the fact that you asked Ambassador Rice to go on the Sunday morning talk shows. Did you also select her? Did someone else select her and you were merely the conduit of information or did you pick her?

Mr. Rhodes. So my recollection is that we heard from all of the Sunday shows that they wanted a guest to appear. That's not unusual if there is a major national security event. And so they put in a request for a guest who can speak to national security-related issues.

Then I would have been -- that would have been relayed to me to then try to identify who is available, essentially. And then I would go through a process of determining who's available to appear.

Chairman Gowdy. Who would have been your number one draft choice?

Mr. Rhodes. I recall reaching out to Secretary Clinton first.

Chairman Gowdy. Through Mr. Philippe Reines?

Mr. Rhodes. That's my recollection.

Chairman Gowdy. Alright. And did he say, "I'll get back to you after I talk to her," or did he tell you "no"?

Mr. Rhodes. I don't remember hearing back from him, but I also remember that she did not frequently appear on the Sunday shows, so it was not unusual for her to not be available.

Chairman Gowdy. You say she didn't frequently appear on the Sunday shows. Had she appeared in the past?

Mr. Rhodes. She had, but not with a great degree of regularity.

Chairman Gowdy. I think she appeared in the past with respect to Libya, hadn't she?

Mr. Rhodes. I don't remember.

Chairman Gowdy. I think so. Did you get an affirmative "no" or did you just not hear back?

Mr. Rhodes. I don't remember hearing back.

Chairman Gowdy. Did you call again and redouble your ask or did you move on to your second draft choice?

Mr. Rhodes. I believe I moved on because I knew that she, again, does not regularly appear on Sunday shows. So I don't remember thinking that it was likely that she would want to appear.

Chairman Gowdy. And who else would you have asked after Secretary Clinton?

Mr. Rhodes. I remember asking Tom Donilon, the National Security Advisor.

Chairman Gowdy. And what was his response?

Mr. Rhodes. He did not want to appear. And he too very rarely appeared on the Sunday shows.

Chairman Gowdy. Alright. Who was number three?

Mr. Rhodes. I believe it was Susan Rice, to my recollection.

Chairman Gowdy. You were on the 4 o'clock call that prepped her. Her testimony was she may have been in another State, so you had a conference call.

Mr. Rhodes. That's my recollection. Yes.

Chairman Gowdy. What's your recollection of who else was on that call?

Mr. Rhodes. I remember that I was on. I believe Tommy Vietor was on. I believe David Plouffe was on. Dag Vega, who is the individual who kind of coordinates with the Sunday shows. Erin Pelton, who was Ambassador Rice's spokesperson, was on. And I remember that there was -- well, that's who I remember being on the call with Susan.

Chairman Gowdy. To the best of your recollection, was that call exclusively or primarily about prepping her for the Sunday talk shows

or was it about other topics?

Mr. Rhodes. My recollection is it was about preparing her for the Sunday shows.

Chairman Gowdy. And how long did that call last?

Mr. Rhodes. I remember it being, you know, under an hour. So between 30 minutes and an hour.

Chairman Gowdy. Was anyone from law enforcement on that call?

Mr. Rhodes. No.

Chairman Gowdy. Had you talked with anyone from the Bureau, the FBI, prior to that call?

Mr. Rhodes. My recollection is earlier that day there was a Deputies Committee meeting that would have involved the different agencies of the U.S. Government that were responding to events around the world, but I don't remember having a specific conversation about that preparation with the FBI.

Chairman Gowdy. And who would that FBI representative typically have been?

Mr. Rhodes. I believe it would have been Sean Joyce at that time, but I don't have a specific memory of him being in the Deputies Committee meeting.

Mr. McQuaid. Mr. Gowdy, you are referencing the meeting. The meeting in the morning?

Chairman Gowdy. In the 4 o'clock conference call.

Mr. Rhodes. I'm referring to the meeting -- when I said in the Deputies Committee meeting --

Chairman Gowdy. Okay.

Mr. Rhodes. They would not have been on the call.

Chairman Gowdy. Okay. Was that before or after the conference call, the Deputies meeting you're referencing?

Mr. Rhodes. So the morning of that Saturday there was a Deputies Committee meeting.

Chairman Gowdy. Okay.

Mr. Rhodes. And then later in the day is when I would have been on the call that would have just had White House participants and Susan Rice's staff on the call.

Chairman Gowdy. So to the extent there would have been a Bureau person involved, which you can't recall, that would have been before your telephone call with Ambassador Rice?

Mr. Rhodes. My interaction with the Bureau would have been in the Deputies Committee meeting, but it would not have related to her preparation for the Sunday shows beyond this question of the HPSCI talking points.

Chairman Gowdy. Do you recall the FBI's investigation, what they have been doing, what they were going to do in the next 24 to 48 hours coming up on that conference call with Ambassador Rice.

Mr. Rhodes. I don't remember it coming up on the call.

Chairman Gowdy. Do you think that that would have been something that was important enough for you to recall if it had come up?

Mr. Rhodes. I remember that there was an ongoing question as to getting the FBI on the ground in Libya, but I just don't remember whether

or not it was discussed on the conference call.

Chairman Gowdy. Do you know when the FBI got on the ground in Libya?

Mr. Rhodes. I don't remember the specific date.

Chairman Gowdy. Do you know whether they were interviewing survivors from the Benghazi attacks?

Mr. Rhodes. I don't know how they were conducting their investigation. I wouldn't have been involved in that level of operational detail.

Chairman Gowdy. Do you know if the FBI was involved in any way in drafting or editing the talking points?

Mr. Rhodes. My recollection is over the course of the drafting of those points they would simply have expressed concerns about wanting to make sure that nothing in those points affected their investigation.

Chairman Gowdy. Would you agree that one source of information would be the survivors of the attacks in Benghazi, and in terms of what happened and what preceded it? It's not a trick question.

Mr. Rhodes. I'm sure that that would be one source of information for the FBI.

Chairman Gowdy. It might actually be an important source of information, folks who actually experienced and lived through the attacks, right?

Mr. Rhodes. I certainly can see why that would be an important source of information. Again, that's the FBI's determination.

Chairman Gowdy. Right. And they might could have spoken to what was happening that night in Benghazi, whether or not there was a large crowd assembled outside, if they had had a chance to observe it? I mean, there's no substitute for eyewitness accounts.

Mr. Rhodes. Again, that's the FBI's determination to make.

Chairman Gowdy. I know. I'm just -- I was just struck at the number of references Ambassador Rice made to the FBI in her five Sunday morning talk shows, including, "They have already begun looking at all sorts of evidence of various sorts already available to them and to us."

Mr. McQuaid. If you are going to continue to read inside the document, we will just get it --

Chairman Gowdy. This is an interview she did with Bob Schieffer on the Sunday morning.

Mr. McQuaid. Is that one of the exhibits, or just --

Chairman Gowdy. It is a summary of a newspaper article. But I'm happy to read it from the exhibit.

Mr. Missakian. Off the record.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

For the record, what I'm doing is marking an exhibit that was previously marked during Ambassador Rice's interview as an exhibit in this interview. So there's no confusion, the same document will be marked in this interview as exhibit 6.

[Rhodes Exhibit No. 6

was marked for identification.]

Chairman Gowdy. I'll give you a chance to look at that, Mr. Rhodes. Actually, if you'll look at the first "Rice" on page 8, colon. Are you with me?

Mr. Rhodes. Yeah.

Chairman Gowdy. It's pretty early on in the interview. I think he has just greeted her and welcomed her to the show. And her first response, at least according to my transcript is, "Well, Bob, let me tell you what we understand to be the assessment at present. First of all, very importantly, as you discussed with the President, there is an investigation the U.S. Government will launch, led by the FBI, that has begun." And then he interrupted her.

But, "They are not on the ground yet, but they have already begun looking at all sorts of evidence of various sorts" -- looking at all sorts of evidence of various sorts -- "already available to them and to us."

And I'm wondering, do you know what evidence she was referring to?

Mr. Rhodes. I don't know what evidence she is referring to.

Chairman Gowdy. If the Bureau was already interviewing eyewitnesses that had survived the attacks, would you agree with me that that would be a really good source of information to want to include in whatever analysis you were doing of the events?

Mr. Rhodes. That would be an important source of information.

Chairman Gowdy. And it is at least theoretically possible that that information was available at the time she was being prepped, depending on when the interviews took place.

Mr. Rhodes. Again, I don't know what information the FBI had related to their investigation with respect to their ongoing investigation.

Chairman Gowdy. Well, this is what I guess I'm trying to get at. If the FBI had time to participate in the drafting and editing of talking points, why not ask, "Can you tell us what you're hearing on the ground from the people that survived"? If they are going to be a part of one process, why not actually be part of the information-gathering process?

Mr. Rhodes. Again, my understanding in terms of how I interact with the FBI in the course of my work is that they rarely actually share information with the rest of the government that is related to their ongoing investigation. They would review points like those that were prepared for HPSCI, mainly to ensure that they didn't in some way undermine the investigation.

Chairman Gowdy. Well, there's another interview she did with Chris Wallace. We will try to find that in this new exhibit which has been marked what, Carlton?

Mr. Missakian. Exhibit 6.

Chairman Gowdy. Exhibit 6, Chris Wallace interview.

Mr. Missakian. Page 17.

Chairman Gowdy. Are you with me? Page 17.

Mr. Rhodes. Yes.

Chairman Gowdy. I don't think it is page 17.

Mr. Missakian. That's where it starts. The Chris Wallace interview.

Chairman Gowdy. About page 23. The very top. Are you with me?

Mr. Rhodes. Yes.

Chairman Gowdy. "Rice: First of all, Chris, we are obviously investigating this very closely. The FBI has a lead in this investigation."

Now, in fairness to Ambassador Rice, when we asked her about it, she would tell you she meant to say has "the lead" in this investigation. The transcript says "a lead." I don't know whether your background is in law enforcement or not, but those would be two very, very different things.

Mr. Rhodes. Yes, I understand.

Chairman Gowdy. Let's just go with what she says she meant, "has the lead in the investigation." She mentions the FBI in almost every one of these interviews. So do you know whether she talked to the FBI independently?

Mr. Rhodes. I do not know.

Chairman Gowdy. And you don't recall them being on the 4 o'clock conference call?

Mr. Rhodes. They were not on the 4 o'clock conference call.

Chairman Gowdy. Alright. Do you know what her source of information was with respect to the Bureau and what they were doing?

Mr. Rhodes. She would have known just from her position that they were investigating. So I think she would be referring to --

Chairman Gowdy. Would she have known that "they have already begun looking at all sorts of evidence of various sorts already available to them and us"?

Mr. Rhodes. I don't know what she would have known about that, nor would I have known what information the FBI had in its custody at that time.

Chairman Gowdy. And I want to go to your memo real quick or what we commonly refer to as the Rhodes memo. You actually may refer to it as something else. Which exhibit would that be Carlton, Craig?

Mr. Davis. Four.

Chairman Gowdy. Four?

Mr. Missakian. No, 5.

Chairman Gowdy. Five. You got that in front of you?

Mr. Rhodes. Yes.

Chairman Gowdy. "Subject: PREP CALL with Susan." Goal number one? Are you with me?

Mr. Rhodes. Yeah.

Chairman Gowdy. How about number two? They are not numbered, but let's just go second bullet, okay? "To underscore that these protests are rooted in an Internet video, and not a broader failure of policy."

What policy were you worried about being considered a failure?

Mr. Rhodes. My recollection over the course of that week is that we were getting questions about whether this represented a failure of our policy in the Middle East and in response to the Arab Spring.

Chairman Gowdy. And you wanted to underscore the point that it wasn't any of that, it was just a video.

Mr. Rhodes. We were anticipating getting those questions, and we wanted to convey that, again, the protests were rooted in this video.

Chairman Gowdy. Were there other options other than just those two, a wholesale failure of the administration's policy or an Internet video? Was there something else? Those are your only two options?

Mr. Rhodes. Again, my recollection is that this reflects the way in which we were getting questions over the course of the week is it's a failure of policy. And we were at the same time seeking to deal with the ongoing fallout from the video. So those were the factors in play.

Chairman Gowdy. I'm with you on wanting to explain to folks that it wasn't a failure of policy. You essentially gave yourself two choices: an Internet video or a broader failure of policy. And my question is, were those your only two options?

Mr. Rhodes. Again, that's what I recall being the subject of discussion over the course of that week in terms of the questions we were being asked.

Chairman Gowdy. Well, with respect to Benghazi, it certainly would have -- it's possible that it was not just those two options, right?

Mr. Rhodes. I'm not sure I understand the question.

Chairman Gowdy. With respect to what happened in Benghazi, you're not limiting us to just those two options, right, a failure of policy or an Internet video?

Mr. Rhodes. Again, I believe in this specific bullet I'm referring to the ongoing protests that are taking place across the Middle East which were very much still going forward on that Friday.

Chairman Gowdy. Right. But you agree -- you knew Benghazi was going to come up when Ambassador Rice was going on the five Sunday talk shows?

Mr. Rhodes. Yes.

Chairman Gowdy. We haven't had an ambassador killed since when?

Mr. Rhodes. It had been a long time. I don't remember specifically.

Chairman Gowdy. So you knew that that was coming up?

Mr. Rhodes. I knew that was going to be one of the topics.

Chairman Gowdy. Right. And your third bullet, which isn't numbered, but it's number three, "To show that we will be resolute in bringing people who harm Americans to justice." Can you think of a country where Americans were harmed other than Libya that she might have been asked about?

Mr. Rhodes. That would principally, I believe, refer to Libya.

Chairman Gowdy. Okay. So you concede that the third item does apply to Libya. Let's go back to the second one. How about the second one? Are we to have drawn a contrast between the second bullet and the third bullet, or are they all interrelated?

Mr. Rhodes. Again, my recollection is she is going on to talk about several different issues: the attacks in Benghazi, the ongoing protests that were taking place across the Middle East, and issues related to Iran and Israel. And so these points refer to different elements of the topic.

Chairman Gowdy. Well, at the time, what did you think was the impetus for the attack in Benghazi?

Mr. Rhodes. I did not have a judgment of my own at the time. I was going to rely on the information provided by the intelligence community.

Chairman Gowdy. Did the intelligence community mention an Internet video to you?

Mr. Rhodes. The intelligence community at this point had suggested that it was an event that was motivated in part by the protests in Cairo.

Chairman Gowdy. That was a great answer to a question I didn't ask. Did they mention the video?

Mr. Rhodes. No, what I'm saying is, my recollection is they at that point had said that insofar as there was any connection it was more to the events in Cairo being a motivating factor for individuals.

Chairman Gowdy. Right. So you are preparing the Ambassador to go on five Sunday talk shows to talk about what you know is going to involve Benghazi and you don't want her to be stuck with the option of a failure of your policy. So you give the option of the Internet video. And my question is, who in the intelligence community told you

that the attacks in Benghazi were linked to the video?

Mr. Rhodes. Again, I prepared these points on a Friday in which there were violent protests across the Middle East because of the video, a violent breach of our facility in Tunis, a violent breach of our facility at Khartoum, violence against an American restaurant in Lebanon, at the very least. So I very much was focused on the fact that there were ongoing protests, and one of the subjects that she was going to be asked about were those protests. So insofar as I'm referring to protests in the video, I'm referring to the many protests that were continuing to take place over the course of that week in response to the video.

Chairman Gowdy. So is it your testimony that the second bullet and the third bullet are totally unrelated?

Mr. Rhodes. They're referring to different elements of what she's going to have to talk about on the Sunday shows.

Chairman Gowdy. So bullet number two was not about Libya or Benghazi at all.

Mr. Rhodes. It was not intended to assign responsibility for Benghazi.

Chairman Gowdy. But yet you jump in the very next bullet to those who harm Americans. Can you see how someone reading that memo might be vexed?

Mr. Rhodes. Well, again, these are several statements of principle up top that I think speak to, again, different parts of the issues that she is going to have to address. And then you can see in

the actual contents how we intended to respond to those individual questions and instances.

Chairman Gowdy. Which exhibit is the email from Mr. Rhodes? Is this 4?

Would you look at exhibit 4 for me?

What is that subject line?

Mr. Rhodes. "USG Public Response to Events in Libya and Egypt."

Chairman Gowdy. In Libya and Egypt. And the very first item discussed are talking points on what?

Mr. Rhodes. Well, again, Mr. Chairman, the subject line was originated on September 12th in reference to statements that the U.S. Government was going to make in response to events in Libya and Egypt. The contents with respect to the movie were an email I wrote the following day.

Chairman Gowdy. Mr. Rhodes, I'm asking you who told you the movie was the catalyst for the attacks in Benghazi? Who told you that?

Mr. Rhodes. Again, I'm not suggesting that the movie is the catalyst for the attacks in Benghazi.

Chairman Gowdy. Well, can you see how a reader might think that maybe you were since the -- since the first country mentioned in the subject line is Libya?

Mr. Rhodes. But the subject line was created the day before I wrote the contents of my email regarding a different set of circumstances.

Chairman Gowdy. So you never intended anyone to believe that the video was in any way connected with the attacks in Benghazi. Is that what you're testifying to?

Mr. Rhodes. I intended at every juncture to provide the best information I had from the intelligence community about what took place in Benghazi. I also had to do a lot of work over the course of this week to try to mitigate the fallout from this video.

Chairman Gowdy. Those are two separate things.

Mr. Rhodes. But I was dealing with both of those things over the course --

Chairman Gowdy. You mentioned the intelligence community, that you relied on the intelligence community to provide the talking points. And my question to you is, who in the intelligence community told you that the video was the catalyst for the attacks in Benghazi?

Mr. McQuaid. Mr. Chairman, please let him finish his answers just for the record.

Chairman Gowdy. Pardon me?

Mr. McQuaid. Could you please let him finish his answers?

Chairman Gowdy. I'm sorry. If I interrupted you, I apologize.

Mr. Rhodes. Again, the intelligence community in this period of time provided us with information that this was an event that was motivated in part by the protests in Cairo; not, again, in the very detailed HPSCI talking points, they did not assign responsibility to the video. They assigned responsibility to the fact that individuals

were motivated by the protests in Cairo that were motivated by the video.

Chairman Gowdy. Okay. Thank you, Mr. Rhodes.

Mr. Missakian. Off the record.

[Discussion off the record.]

[5:27 p.m.]

Ms. Sawyer. Back on the record.

BY MS. SAWYER:

Q Just returning briefly to exhibit 4, because maybe I asked the question when I asked you in too technical a way. But what I was trying to help you help us understand, and this is the three-page that starts with Bernadette Meehan and ends on page 3, her email and her subject line, which is USG public response to events in Libya and Egypt. And I think you were trying to explain to us again by the time it got to your email, which is on page 1, starts on page 1, in essence, you were hitting reply and not changing that subject line. So that was Bernadette Meehan's subject line. It wasn't intended to reflect the content of what was in your message. Is that accurate?

A That's right.

Q So turning to exhibit 5, which has been discussed in the last hour, and this is the document dated -- it's an email from you dated September 14 at 8:09 p.m., sent to a group of folks that you discussed a little bit. Now, you had been asked -- and I am just going to direct your attention to the fourth and fifth pages. And on that page 4, there is an email from Dag Vega sent on that same Friday a little earlier in the evening. And it indicates that there is a plan to hold a call, prep call, a call on Saturday at 4 to help prepare Susan for her interviews.

A little below it says "here are the promos." And I wanted to

give you a moment just to look at those. And then I just had a couple questions. But before you do, in general what would a -- do you recall seeing that at the time? That week?

A I remember being invited onto the call.

Q Okay. Do you know if you had a sense of what was being promoted as the topics of the various shows?

A Yes. I remember having discussions about what the shows were interested in asking Susan Rice about.

Q And the reflection of what is here in terms of what range of things potentially could be covered, was that consistent with what you understood might be covered in those various shows?

A Yes.

Q And certainly, the potential topics included regional unrest and what that cause of the regional unrest was, whether it was policy or something different. Is that accurate?

A Yes.

Q And it also did indicate that there would be potentially some coverage of Benghazi, the attacks in Benghazi?

A Yes.

Q The way I read the promos, the discussion of Benghazi is more as a lead-in to the discussion of the broader regional unrest. But nonetheless, there might be some discussion of Benghazi. Is that correct?

A Yes. And again, my recollection is that this is being put together on the Friday that was the most acute day in terms of the

protests that were taking place across the region. So that was very much front and center in the news.

Q And just generally speaking, the then-email that you send -- again, just as another example, the subject line was actually created by Mr. Vega, right?

A Yes.

Q And you, in essence, hit reply to that, and therefore the subject line there wasn't of your making. It was just your replying to the recipients of that email with your contribution for that call. Is that accurate?

A Yes.

Q And was it your understanding that what you were doing here was the only material that the ambassador would be given in preparation for the call?

A No. My recollection is that we were going to separately provide her with the talking points related to the events in Benghazi that were being prepared for the HPSCI.

Q So there was going to be a separate document that specifically addressed what had happened in Benghazi?

A Yes. That's my recollection.

Q And that accounting as to what had happened in Benghazi would be the talking points that were being prepared for the House Permanent Select Committee on Intelligence?

A Yes. And we indicated that Susan would be receiving those talking points separately for use with respect to our understanding

what had transpired in Benghazi.

Q And why would you have wanted, or why would the decision have been made for the talking points with regard to Benghazi or what had happened in Benghazi to be the talking points that were being created for HPSCI?

A So my recollection is that the talking points that were requested by HPSCI were expressly requested to be usable in media appearances. And so therefore, the judgment was made that those talking points could also be used by administration officials since they were being prepared for public use. And so given that the process of completing those talking points was taking place essentially in the same timeframe as Susan's preparation, the determination was made to provide her with those points to be her prep material for what had taken place in Benghazi.

Q So certainly, your understanding was that the HPSCI talking points' purpose was for communication with the public?

A Yes. And my recollection is that the request that was made from HPSCI to the Intelligence Community made clear that that was one of the purposes of the points. It was so that those points could be used publicly.

Q And did you have any understanding of whether those talking points then that were being prepared for HPSCI would have been coordinated through the interagency, including the intelligence community?

A Those talking points would have been coordinated through

the interagency given the different agencies involved in the events in Benghazi.

Q So certainly, in addition to being talking points that were expressly designed for communication with the public, it was your understanding they also were going to be talking points that were fully coordinated throughout the Intelligence Community?

A Yes. That's my recollection.

Q So in that regard, was it your assumption that they would reflect the best current assessment of the intelligence community at the time?

A Yes. That was the purpose of the points.

Q And that was the piece that was intended to guide Ambassador Rice's discussion specifically as to what happened in Benghazi on the Sunday talk shows?

A Yes. Given that we had a process already underway to compile the best assessment of the intelligence community for public use at that time, it stood to reason that she should use those points in her appearances.

Q So those talking points that were -- you had just said that they were already in development, they weren't being developed specifically for Ambassador Rice. They were being developed for discussion by Congress. Is that accurate?

A They were being developed to respond to a request from HPSCI. And the determination was made that given they were for public use, that they could be used by administration officials.

Q So, you know, there have been some allegations that the talking points were created in a particular way to portray a particular narrative. But those particular talking points were not being specifically created for Ambassador Rice's use. Is that accurate?

A No, they were not.

Q Now, in addition to the talking points specific to Benghazi that the Ambassador was going to use to guide her, which were the HPSCI talking points, you also provided this, what is exhibit 5. And so what was the purpose of exhibit 5 as compared to the talking points related specifically to Benghazi?

A My recollection is the purpose of this document would be to give Ambassador Rice a sense of the types of topics that are likely to come up on the Sunday shows, the types of messaging that the administration has been using on those topics, and some specific examples of questions that she would be likely to get on those Sunday shows based on the questions that we had been getting in daily press briefings over the course of the week.

Q So just turning to that point that you just made, that you had indicated that part of it was to try to anticipate questions she might be asked. So would that be the portion of the document that begins on page 2 and then kind of runs through page -- halfway down page 4?

A Yes.

Q And there are, as I can see, one, two, three, four, five, six, seven, eight, eight different question lines, kind of where there

is a Q, and it has a different question and then some guidelines on answering or guidance on answering. Of those nine that I just looked at, there is one -- and I will just point you to it on page 2, the third question down, that specifically mentions Benghazi. Do you see that?

A Yes.

Q As far as I could tell, that was the only thing in this document that particularly mentioned Benghazi. Does that seem accurate?

A Yes.

Q So the other eight questions do not specifically reference Benghazi and Benghazi alone?

A They do not.

Q And in fact, the final three questions are under a topic line that says Israel/Iran. And the header there is Iran. So was there also an effort to make sure that she was prepared, beyond even speaking of the specific regional unrest, and what had sparked that, to be able to answer questions that might come up about Iran?

A Yes. My recollection is that we understood that Prime Minister Netanyahu was going to appear on some of the Sunday shows. And so this would be a topic of discussion in Ambassador Rice's appearances.

Q And then there are questions before the Benghazi one just on page 2 that do talk about the unrest in the region. One asked about the relationship with Egypt. And the other one is specific to I think a question you were asked before. "Question, have you failed to

articulate a policy for dealing with the Arab Spring?" So in that respect, was it your understanding that the specific question with regard to what was happening during that week, both before and kind of in the immediate run-up, so from the incident in Cairo with the protests and breaching of the embassy to Benghazi to the unrest in Tunis and Khartoum and elsewhere, the specific question about that week was whether or not that unrest that week was related to a video as opposed to a broader failure of policy with regard to the Arab Spring?

A Yes. That was the dynamic that we were dealing with in our press briefings.

Q So with regard to this decision tree, there was only two options to be discussed, that was particular to the context of that week and kind of what had been happening that week and why it made sense, then, to be talking in particular about the question of a video and the broader question of a failed policy around the Arab Spring.

A Yes. And you had, again, a series of very significant dramatic events in the Arab world from 2011 to this point. And what you had is a series of protests across the Arab world that were motivated by that video. And the broad instability in the region and the protests, some of them violent, at our facilities, particularly in countries like Egypt and Tunisia that were seen as emblematic of the Arab Spring, those protests were being lifted up and used as a basis for asking us if it was a failure of policy with how we had responded to the Arab Spring and the events in the Middle East.

Q And so in explaining the anger that was somewhat directed

toward the United States that week, there was an effort to understand why it was the belief of the administration that that was, in particular, that week related to anger over a video?

A Yes. That's my recollection.

Q And that information that you were conveying that is conveyed in this document was your belief, certainly at that time, that that is what the unrest in the region was related to, the anger over a video mocking the Prophet Mohammed?

A Yes, I very much believed that the cause of many protests across the region was the anger over the video and the efforts by some to incite protests and even acts of violence in response to that video.

Q So in that regard, that was not, in any way, a false narrative. It is what the assessment at the time indicated that the unrest in the region was related to the video?

A Yes. It was very much our belief at the time that the unrest in the region, from places as varied as Tunis, Egypt, Lebanon, Pakistan, Sudan was rooted in the video and people's efforts to incite protests and violence in response to the video.

Q And then on page 2, with regard to the specific potential question about Benghazi, the question reads, Q, colon, quote, "What is your response to the Independent story that says we had intelligence 48 hours in advance of the Benghazi attack that was ignored? Was this an intelligence failure?" End quote. And then there is an answer below that says, quote, "We are not aware of any actionable intelligence indicating that an attack on the U.S. mission in Benghazi was planned

or imminent. The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo, and evolved into a direct assault against the U.S. consulate and subsequently its annex," end quote. Do you recall that week where the information that was included in that guideline for answering, where that had come from?

A My recollection is that this would have come from the type of press guidance that is developed to respond to press inquiries within the interagency.

Q Okay. And I am going to show you what we are going to mark as exhibit 7.

[Rhodes Exhibit No. 7
was marked for identification.]

BY MS. SAWYER:

Q And just for identification purposes for the record, this is a four-page document. It has an identification number that is SCB0059847. I will just give you a minute to take a look at that.

A Okay.

Q Okay. Great. Just directing your attention briefly to page 2, the email that is toward the bottom of that page says from Mike Allen, sent at the time to Tommy Vietor. It has a link to an article that says www.independent.com, I think. It describes an article there. And the article speaks to allegations that there may have been advance warning about the attack in Benghazi. Do you recall that reporting happening that week?

A I don't recall this individual story, but I do recall that there were different theories, allegations, comments in the press about the nature of the attacks in Benghazi.

Q And then just turning back to the first page, it's an email from Shawn Turner. At that point in time, you are included in that thread. You are one of the recipients of that message, so you have been, at some point, included in this thread. First of all, who is Shawn turner?

A He was the spokesperson for the Director of National Intelligence.

Q And his response up there says on our -- our on the record response is, quote, "This is absolutely wrong. We are not aware of any actionable intelligence indicating that an attack on the U.S. post in Benghazi was planned or imminent." That sentence there, I would just have you take a look back at exhibit 5, and the page 2. We were talking about the question specific to Benghazi and the answer. That first sentence says, quote, "We are not aware of any actionable intelligence indicating that an attack on the U.S. Mission in Benghazi was planned or imminent," end quote. That seems to be the same on-the-record response that the ODNI indicated was appropriate. Is that accurate?

A Yes, that's accurate.

Q So certainly that sentence and that guidance would have been something that came from the intelligence community?

A Yes, that's correct.

Q And presumably, therefore, based on the best information they had available at that time?

A Yes, as the spokesperson for the Director of National Intelligence represents the full intelligence community.

[Rhodes Exhibit No. 8
was marked for identification.]

BY MS. SAWYER:

Q And now I am going to show you what has been marked exhibit 8 for identification purposes. And this is just a one-page document. And that document, just for the record, is an email. It's redacted who it's from. It indicates it's to you, Tommy Vietor, and someone else in the NSS press. And also White House press. And that document -- that time of that email is 5:09 p.m. on Friday, September 14. And I would just direct your attention to the first sentence there of the first bullet. It says, quote, "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. consulate, and subsequently its Annex." And that sentence there, when compared to exhibit 5, page 2, in the answer to the potential question about Benghazi that you had sent in your email, I think, 3 hours later that same Friday night seems identical to me. Does that --

A Yes, that's correct.

Q So that sentence, that second sentence was certainly fully consistent with what is in exhibit 8, that very first sentence of

exhibit 8?

A Yes, that's correct. And again, the common practice in preparing documents like this for individuals who are appearing on Sunday shows or other high profile events is to provide them with guidance that has been developed in different parts of the interagency.

Q Right. And exhibit 8, what was your understanding, at that point in time, as to how and who had developed that first sentence that then appears in exhibit 5?

A My recollection is that I believe that that was the assessment provided by the intelligence community and talking points that were originating from the CIA.

Q And, again, with regard to that, to the extent that was the assessment of the CIA, would it have been appropriate to be looking to them to give an assessment as to what had happened in Benghazi?

A Yes. When we have events like the attacks in Benghazi or involving terrorist incidents or international crises, we look to the intelligence community to provide us with the assessments that we then use in our public messaging.

[Rhodes Exhibit No. 9
was marked for identification.]

BY MS. SAWYER:

Q And I am going to now give you what has been marked as exhibit 9 for identification purposes. This is an excerpt from the report of the U.S. Senate Select Committee on Intelligence. We have only excerpted the Appendix, Appendix I, which is about the Benghazi talking

points. We have included just for context that entire appendix. But I really just am going to be speaking with you about that first page, which is in the right-hand corner has a number 43 because that's the number that appears in the SSCI report. This is a published, publicly available report.

And then halfway down that page you will see the report indicates "The final unclassified version of the CIA talking points as provided to HPSCI on September 15, 2012, read as follows:" And then, quote, "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo, and evolved into a direct assault against the U.S. diplomatic post in Benghazi and subsequently its Annex." Now, comparing that language to the language that appeared both in exhibit 8 and then in exhibit 5, the only -- as the second sentence in the proposed answer, the only change that I saw was the change from the word "consulate" to "post." But otherwise, that remained the assessment the next day when that final unclassified version of the CIA talking points was circulated. Is that accurate?

A Yes, that's accurate.

Q So the information contained in the document sent to Ms. Rice -- Ambassador Rice in exhibit 5, or that you had sent for preparation, whether or not she did or did not ever receive it, was fully consistent with the final unclassified version of the CIA talking points that was then available on Saturday, September 15, 2012?

A Yes, that's correct.

Q And that particular sentence would be kind of the sentence from the longer version of it. There is more information in exhibit 8. But with regard to the question being asked in that Independent article about whether there was a warning before the attack, that would have been the sentence from exhibit 8 that would have been responsive to that particular question. Is that accurate?

A That's accurate.

Q And that's why that sentence from that longer piece in exhibit 8 would have been selected to include as the guidance for responding to whether there had been advanced warning?

A That's correct.

Q So in the document that you prepared, would it be fair to say that the statements that were directly about Benghazi were statements that came from the intelligence community?

A Yes, that would be correct.

Q Then I just wanted to briefly, before I kind of conclude for now, in terms of the prep call that occurred with Ambassador Rice on the afternoon, do you recall what -- roughly what time of day it was?

A I just remember it was the mid-afternoon.

Q So the email indicated it was anticipated to be around 4. Your recollection isn't vastly different than that?

A My recollection is it was in that timeframe.

Q With regard to that conversation, did anyone ever indicate, with regard to the guidance given to Ambassador Rice, that there was

any question to doubt the proposed guidance that we discussed on your exhibit 5? Was there a discussion of what had happened in Benghazi?

A My recollection is that the bulk of that prep call dealt with the ongoing protests taking place across the Middle East, and the topics related to Israel and Iran, and that we indicated that there was a process to develop these talking points related to our understanding of what took place in Benghazi, and that she would be receiving those talking points and should work off of those.

So that was actually not a subject of extensive discussion on the call because there was this process that was going to develop the points for her to use.

Q So the call that you all had, it would be fair to say, was far more focused about the broader regional unrest?

A Yes. That's my recollection. And the situation between Israel and Iran.

Q And then just returning back to exhibit 5 briefly, with regard to the other portions of that document, there is a section called "goals" and then a section called "top lines." Kind of just explain like what is the difference between a goals and a top lines?

A Well, first of all, in documents of this nature it's essentially providing spokespeople for the administration with the guidance on what we are saying on different topics. This is a daily exercise that we undertake with the White House press secretary, the State Department spokesperson. And regarding those events, you will have essentially top lines, here are the key messages that we are

delivering on a series of issues. And then you will have a Q&A that attempts to anticipate the questions that we are going to be asked.

The goals, I think, indicate what the purpose of appearing on the Sunday shows is. We are in a particular context. And at that time, the context was instability across the Middle East. It was unsettling to Americans at home, and raising questions about our response overseas. And again, the objective was very much to send a message that we were going to be able to manage this situation while answering the questions that flowed out of the events.

Q And then with regard to the goals that you have discussed with my colleagues a little bit, the first one, first bullet says "to convey that the United States is doing everything that we can to protect our people and facilities abroad." Now, earlier in the day, you obviously indicated a number of times that kind of one of the principal and most important things was making sure people were safe. So was that, in fact, being done?

A Yes. And over the course of that week, the concern coming out of Benghazi, but also with the ongoing protests, was making sure we were doing everything we could to secure our embassies and our diplomatic facilities and our American citizens abroad. So that was the overarching concern that we had on our minds the whole week.

Q So in that regard, this was not creating some false narrative with that first bullet that you were doing everything you could to secure our people and facilities overseas?

A No. We saw that as our responsibility as the United States Government.

Q And then that second bullet that has been discussed, to underscore that these protests were rooted in an Internet video and not a broader failure of policy. That certainly was -- and again, we are talking about the time period that's agreed to in the scope -- that certainly was the understanding and the belief of the administration at the time.

A Absolutely. And we were being regularly questioned as to whether or not these events across the Middle East represented a failure of policy. And so we were dealing with that series of questions at this time.

Q So in that regard, that was not the creation of any sort of false narrative?

A Absolutely not. That's what we certainly believed.

Q And then to show that we will be resolute in bringing people who harm Americans to justice and standing steadfast through these protests. Now, earlier in the day you had indicated that one of the goals was to really send the strong message that no matter where any type of violence occurred, that America would not stand for it. Was that part of the goal here?

A Yes. It's a statement of principle that would apply uniformly.

Q And to the extent there had been concern, a fair amount of concern in the run-up to Friday, did that concern dissipate entirely

by Sunday, that there could be ongoing unrest and potential violence and risk to the security of our personnel overseas?

A Absolutely not. You had had, again, very violent protests that had continued throughout that week. And there was not an indication at that point, to my recollection, that the situation had sufficiently calmed across the region.

Q So in the same way that some of the earlier statements were -- I think I described them as forward leaning, and not necessarily backward leaning, this bullet also potentially was forward leaning in the same way?

A It's a statement of principle that is meant to convey to Americans and people around the world that we will do whatever is necessary to protect our people.

Q So in that regard it wasn't only talking about Benghazi?

A Yeah, it was referring also broadly to the circumstances across the region, and laying down that marker that again, we will do whatever is necessary to protect the American people.

Q So in that regard certainly bullet three was not the creation of a false narrative?

A Absolutely not. And it's consistent with what we have said throughout our administration.

Q And then, finally, the last one is just to reinforce the President and administration's strength and steadiness in dealing with difficult challenges. What was the kind of goal or purpose of sending that message?

A Again, at a time when you have instability, and it appears that there are events that look like they are getting out of control, there are violent protests at our embassies, there is incitement against our personnel overseas, we have foreign policy interest in conveying that we are going to be able to manage that situation; we are going to be able to protect our people overseas; we are going to be able to respond to that incitement. So the objective was in this very uncertain period to convey a sense of strength and steadiness consistent with American foreign policy interests.

Q You know, some have described this document, certainly when this select committee was established, some, in particular, pointed to this document as and described it as a, quote, "smoking gun," that there had somehow been a false narrative created, and that the administration, through Ambassador Rice, had intentionally lied to the American people. What is your response to that allegation?

A My recollection of that week is that it was as painful and challenging a period of time as I have had in government. Having lost Americans overseas, including a person who I knew, having our embassies, including places where I knew people who worked, under threat of violent protest, dealing with a degree of instability in the Middle East that showed no signs of dissipating, that's a circumstance that we were dealing with.

And everything that we did this week was guided by trying to manage a very difficult and evolving situation. So, you know, I know that this is entirely consistent with how we do business on behalf of the

American people, that our objectives here were rooted in the necessity of responding to what had taken place in Benghazi, but also trying to manage a very complex and evolving situation in the Middle East. And, you know, it's been deeply hurtful to have it suggested that we had another set of motivations. I will stop there.

Ms. Sawyer. So I think we will conclude for now. I don't know how long of our remaining time we took. But why don't we take a break?

[6:15 p.m.]

Mr. Missakian. Okay. Let's go back on the record.

BY MR. MISSAKIAN:

Q Mr. Rhodes, I just want to clear up a couple of things that's still unclear in my mind at least. Were you ever told by anybody in the intelligence community that the video was the catalyst for what happened in Benghazi?

A Again, we were told that the events in Benghazi were motivated by, in part, by the protest in Cairo, the protest in Cairo being motivated by the video.

Q Okay. I understand that, but were you ever told that by anyone in the intelligence community that the video was the catalyst for what occurred in Benghazi?

Mr. McQuaid. And just can you give a timeframe?

Mr. Missakian. Yes. Let me qualify that.

BY MR. MISSAKIAN:

Q Limited to that period between September 11th and September 16th.

A And, again, my recollection of any connection to the video was indirect through the fact that the protests in Cairo may have been a motivating factor for the events in Benghazi.

Q Okay. So just to be clear, so there was no direct connection made between the video and the attacks in Benghazi from the intelligence community that you're aware of at that time?

A That's my recollection. I recall that there were public reports of protests that would have been included in, you know, the information we were receiving.

Q But you certainly weren't relying on those public reports, were you?

A We were relying on the intelligence community's assessment, and the intelligence community's assessment was that these were events that were motivated in part by the protests in Cairo.

Q And again, this is -- falls into the category of me just trying to understand. You were asked a number of questions by the majority and minority about exhibits 4 and 5. If you get -- let me know when you have got those in front of you.

A Is this 4? Yeah.

Q With respect to exhibit 4, did you intend by these talking points to draw a connection between the video and the attacks in Benghazi?

A I did not intend with these points to assign responsibility or motivation for the attacks in Benghazi.

Q And would it be fair to say that on September 13, 2012, when you drafted exhibit 4, you had not seen the HPSCI talking points because they did not begin to circulate until the next day?

A I don't remember when the HPSCI talking points began to circulate, no. So I just don't recall with specificity.

Q Fair enough. With regard to exhibit No. 5, is it your testimony that the contents of exhibit 5 were not meant to explain the

motive of the attackers in Benghazi, or to suggest that the video was a catalyst for those attacks?

A The exhibit 5 is intended to prepare Ambassador Rice for the range of issues she's going to discuss on the Sunday shows. On the specific question of what happened in Benghazi, our expressed intent was to provide her with the HPSCI talking points to inform her as to the position of the intelligence community.

Q So you did not intend her to use exhibit 5 to talk about what happened in Benghazi. Is that correct?

A Again, I would note the exception of the one question that was on page 2 with respect to the nature of the attack in which we just drew from the points that were provided by the intelligence community. More broadly, this was meant to prepare her to speak to the general events that were taking place in the region.

Q Did you tell her that, that bullet No. 2 was meant to apply not to Benghazi, but to the region broadly?

A My recollection of that prep call is that we indicated to her that she would be receiving the talking points that were being prepared for HPSCI and that that should inform her discussion of what took place in Benghazi, and that we focus the majority of our time discussing the events in the region and the events between Israel and Iran.

Q So as you sit here today, it's your best recollection that you did not tell Ambassador Rice, in that call, that bullet No. 2 was not meant to apply to Benghazi?

A I don't recall a specific discussion with her about individual bullets in that prep document. I recall a broader discussion about her appearances.

Q Did you watch her on the Sunday talk shows?

A I did not watch her appear live, that I recall.

Q Did you read any of the transcripts that day?

A I recall reading some of the transcripts that day.

Q After reading those transcripts, did you walk away with the impression that she had actually blamed the attacks in Benghazi on the video?

A I don't remember having that impression.

Q Okay. Because I mean, a number of us have read them, and to us, it appears that she is blaming the video, but as you sit here today, you did not come to that conclusion yourself during that period of time?

A No, I don't remember coming to that conclusion.

Q Let's spend a little more time on the prep call.

Do you recall what else was said? I mean, it sounds like a very limited amount of time was spent on Benghazi, but to the extent it was a limited amount of time, or a large amount of time, do you recall anything that was discussed about Benghazi during that portion of the call?

A Again, my recollection of the prep call with respect to Benghazi is that we indicated to Ambassador Rice that there was this process that was nearing completion in terms of producing the HPSCI

talking points, and that she would be receiving those, and that we discussed, more broadly, our response to the events in the region.

Q At that time, and I mean during the call, did you know what the final version of the HPSCI talking points would look like with regard to Benghazi?

A My recollection is they -- I recall that they were nearing completion, but I just don't recall the exact timeline on which I received them related to the call.

Q Do you recall having any other conversations after the call ended with either Ambassador Rice or anybody else on her staff?

A My recollection is that I would have provided the talking points that were prepared for HPSCI to her staff.

Q To who?

A Her staff.

Q Do you recall doing that?

A I -- can we go off the record here for a second?

Mr. McQuaid. Do you want to take a second?

Mr. Missakian. Go off the record.

[Discussion off the record.]

Mr. Missakian. Okay. Let's go back on the record.

BY MR. MISSAKIAN:

Q Okay. So as you sit here today, you don't have any specific recollection of sending the talking points to anybody after that call, but you believe you saw a document that suggests you did?

A Yes, that's my recollection.

Q Do you recall having any other conversations with Ambassador Rice or anybody on her staff about the talking points after they were sent?

A I don't remember further conversation before -- are you referring to the time period before the Sunday shows?

Q Yes.

A I don't remember any conversations.

Q Why was David Plouffe on the call?

A It was standard practice, when we had Sunday talk show prep calls, he would be one of the people who was normally invited on this.

Q And why is that?

A Given his role at the time as senior advisor, overseeing communications, and, among other things, he was on the normal list of people who would have been invited on a Sunday show prep call.

BY MR. DAVIS:

Q How often would he attend those calls?

A I would only -- essentially, the way in which the Sunday show prep calls would work is if there are a group of people who are regularly invited on those calls, people generally with responsibility for communications, I would only participate if there was a national security element to those calls. He was, you know, normally on those calls. I couldn't affix a percentage, but he was usually on those calls.

Q He had been on prior calls that you had been on that touched on national security issues?

A Again, my recollection is he was normally on Sunday show prep calls.

BY MR. MISSAKIAN:

Q Back to exhibit No. 5, the second page. This is in the section where you got the Q, colon, and continues. "What's your response to the Independent story that says we have intelligence 48 hours in advance of the Benghazi attack that was ignored. Was this an intelligence failure?"

And then the answer that's provided says, "We are not aware of any actionable intelligence indicating that an attack on the U.S. Mission in Benghazi was planned or imminent."

What did you mean by "actionable intelligence"?

A And, again, my recollection is that this was in response to a question that we were getting and that the language is provided by the intelligence community, so it's their determination as to what the nature of the intelligence was.

Q Did you have an understanding yourself of what that term meant, "actionable intelligence"?

A Yes, I had an understanding of what actionable intelligence meant.

Q What was your understanding?

A My understanding of the term is that it implies to intelligence that we're able to take action upon in order to effect an outcome.

Q Could you give me an example?

A Again, an example of actionable intelligence would be if we have specific awareness of an extremist plotting, and we're aware of their location and we can therefore take action against that extremist.

Q So for example, actionable intelligence might be an intercepted phone call in which the participants in the call are discussing a planned attack, for example?

A Again, I wouldn't want to speak to specific sources of intelligence, but as a general matter, I think it's intelligence that once it's in our possession, we're able to do something about it.

Q To your understanding, you work in the National Security Section at the White House, to your understanding, what were the sources of intelligence in Benghazi in September 2012?

A Again, as someone who is not involved in operational matters, but is more generally aware of sources of information, I would believe that that could include anything from communications between extremists, human intelligence, or also open source intelligence in monitoring of social media.

Q Did you have any specific or general understanding of the nature -- the specific nature of the kind of intelligence collection going on in Benghazi in September 2012?

Mr. McQuaid. Can we go off the record for a second?

Mr. Missakian. Yes, let's go off the record.

[Discussion off the record.]

Mr. Missakian. Back on the record.

BY MR. MISSAKIAN:

Q Were you aware of any gaps in the intelligence collection in Libya in September 2012?

Mr. McQuaid. Can I go off the record?

Mr. Missakian. No, we are not going to go off the record on this.

Ms. Sachsman Grooms. Craig, seriously?

Mr. Eggleston. When your chairman was here, he directed you to go off the record when requested by counsel.

Mr. Missakian. Let's go off the record.

[Discussion off the record.]

Mr. Missakian. Okay. Let's go back on the record.

BY MR. MISSAKIAN:

Q I want to be sensitive --

Mr. McQuaid. Before we go on the record.

Mr. Missakian. Let's go off the record.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

I just want you to, if you could, just instruct the witness not to answer the question.

Ms. Sachsman Grooms. That's entirely inappropriate. Let's go back off the record.

Mr. Missakian. Let's go back off the record.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

BY MR. MISSAKIAN:

Q Alright. So just so it's clear, I did not intend by that question to elicit classified information, and if your answer is that you obtained this statement from the Director of National Intelligence, is that your answer?

A No. I received this from the Office of the Director of National Intelligence.

Q Okay. We'll leave it at that then. Thank you.

Are you aware that on September 14, Jay Carney gave a press conference in which he also made the statement that they were not aware of any actionable intelligence?

A I don't remember that specifically as a topic in Jay's briefing, but I remember it being one of the questions was being raised over the course of that week.

Q Were you involved in preparing Mr. Carney for his press conference on the 14th?

A I was involved in overseeing the preparation of Jay Carney for his daily briefings, yes.

Q Do you recall the subject of actionable intelligence coming up?

A I do not recall the specific discussion.

Q Do you recall there being a discussion of whether or not there were any signs that the attack had been preplanned or premeditated?

A I don't remember that discussion.

Q Do you recall learning at any time that week that there were, in fact, signs that the attacks were premeditated or preplanned?

Mr. McQuaid. Can we go off the record?

Mr. Missakian. Off the record.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

Mr. Kiko. Just wait a second. I mean, hold off on that.

Mr. Missakian. Hold off. Off the record.

[Discussion off the record.]

Mr. Missakian. Okay. Let's go back on the record.

BY MR. MISSAKIAN:

Q Now, Mr. Rhodes, I understand that you were involved in drafting the President's remarks in the Rose Garden on the morning of September 12th.

Mr. McQuaid. Could we go off the record again?

Mr. Missakian. Yes. Let go off the record.

[Discussion off the record.]

Mr. Missakian. Back on the record.

BY MR. MISSAKIAN:

Q Now, later that day, September 12th, the President did an interview for 60 Minutes. Were you involved -- let me ask the question. Were you involved in the preparation of the President for that interview? Simply a yes-or-no question. I'm not asking for content.

Ms. Rhee. Let's go off the record.

Mr. McQuaid. Let's go off the record.

Mr. Missakian. Off the record.

[Discussion off the record.]

Mr. Missakian. Okay. Let's go back on the record.

BY MR. MISSAKIAN:

Q Mr. Rhodes, after the President gave his interview with 60 Minutes, did you have an opportunity to review a transcript of the President's remarks?

A My recollection, I don't have the recollection of reviewing that transcript, but as a general matter, I received the transcript of the President's appearances on television shows.

Q If I recall correctly, that episode of 60 Minutes with the President aired on September 23rd.

A Again, if it's 60 Minutes, it would be whatever the Sunday was.

Q And you may recall there was some bit of controversy over the interview that was actually aired by CBS because it did not include a portion of the President's remarks. Do you remember that?

A I have a recollection that there was some controversy about that, yes.

Q Did you or anybody else on your staff have any conversations with CBS about that 60 Minutes interview?

A I did not -- excuse me, what's the -- in what time period are you talking about?

Q Prior to it airing?

A I did not have any conversations with CBS after the interview taped prior to it aired.

Q Did anybody on your staff?

A Generally, when we have interviews like that with the President, the contacts with the network are handled by the White House press in the communications office, not the NSC.

Q Do you know if any of those communications actually occurred?

A I don't know.

[Rhodes Exhibit No. 10 was marked for identification.]

BY MR. DAVIS:

Q I'll show you exhibit 10. Exhibit 10, and this is a compilation of emails regarding the talking points given to the House Permanent Select Committee on Intelligence. These talking points --

Mr. Eggleston. Do you have any other copies?

Mr. Davis. I do. I have a couple more.

BY MR. DAVIS:

Q So these emails were released publicly, I believe, by the White House, I believe in May 2013, and there were 100 pages in all. What you have in front of you is 6 pages spliced with page 12, page -- I believe that's 31, 55, 59, 74, and 75 out of the 100 pages, and you're on these emails. Just a couple of brief questions about the emails.

Number 1, did you have any discussions about these particular talking points with Michael Morell?

Mr. McQuaid. Could you just get the timeframe?

Mr. Davis. Sure.

BY MR. DAVIS:

Q In the September 14, September 15, 2012, time period, did you have any conversations with Michael Morell about these talking points?

A So my recollection is that these talking points were being worked on, developed, and in the deputies' committee meeting on the morning of that Saturday, that meeting addressed a variety of topics. When this issue of the talking points came up, Michael Morell indicated that he was going to be working on revisions to those talking points that he would then share with a number of people in the interagency.

So again, that wasn't a one-on-one conversation, but rather interacting with Michael in the context of a deputies' committee meeting. And then I subsequently recall receiving, along with some other people, the revised version of those talking points from Michael.

Q Outside of the deputies' committee meeting discussion, outside of receiving the other email, did you have any conversations with Michael Morell about these talking points, outside the two instances you just mentioned?

A In this timeframe --

Q In this timeframe.

A -- I don't -- not that I recall.

Q Let me ask you the same question with regard to Jake Sullivan, September 14, September 15, 2012. Do you recall have any

conversations with him, outside of what may have occurred in the deputies' committee meeting about these talking points?

A I don't remember having a discussion with him about these talking points. I would have had -- I just don't have a specific recollection of a conversation.

Q Could you turn to page 3, I think it's page 55 marked at the bottom.

Mr. McQuaid. Third page of the exhibit?

BY MR. DAVIS:

Q Third page. The third page that's marked 55.

A Yeah.

Q So at the very top is an email from you, Friday, September 14, 2012, 9:34 p.m. Let me just read it really quickly. "All- Sorry to be late to this discussion. We need to resolve this in a way that respects all of the relevant equities, particularly the investigation. There is a ton of wrong information getting out in the public domain from Congress, and people who are not particularly informed, insofar as we have firmed up assessments that don't compromise intel of the investigation, we need to have the capability to correct the record, as there are significant policy and messaging ramifications that would flow from a hardened misimpression. We can take this up tomorrow morning at deputies."

Mr. McQuaid. I think you just misread it slightly. I think it's "or the investigation," not "of the investigation." I could be wrong.

Mr. Davis. That's entirely possible. It's a very grainy sort of copy.

BY MR. DAVIS:

Q So two questions, both about the middle paragraph. First question, "a ton of wrong information getting out into the public domain from Congress," what specifically were you referring to there?

A Again, my recollection of that week is that there were just many different theories about what had taken place in Benghazi that were emerging in different parts of the media. Some of those theories were at odds with one another, and so my point was that we needed to establish the best assessment that we could as a U.S. Government.

Q But outside of what may have been floating around in the media, you specifically mentioned Congress in here. So what -- what wrong information came from Congress that led you to write that sentence?

A Well, my work experience suggests to me that sometimes information that appears in the media originates from Congress or sometimes it originates from agencies at the U.S. Government, so I think that is in reference to just the potential sources of information that's in the media.

Q Why doesn't it say "from potential other areas of the U.S. Government"? Why is Congress singled out as the source of wrong information in this particular sentence?

A Again, my recollection is there is a lot of different information in the media. That information could come from a variety

of sources. One is Congress. There are other sources as well.

Q And my question is, why do you mention Congress specifically as opposed to other sources?

A Again, because often -- my recollection is, in an event like this, you have different people commenting, including from Congress, but that's not the only source from which we sometimes have inaccurate information.

Q Were there any specific comments from anybody in Congress or from any staff in Congress that you were thinking of when you wrote that sentence?

A I don't remember what I was specifically referencing when I wrote the sentence.

Q So the information you're talking about, the wrong information getting out in the public domain could come from a variety of different sources, but you specifically decided to mention Congress and none of those other sources. Is that correct?

A Well, and I reference people who are not informed as well, so I think I'm referencing the fact that there's misinformation in the public domain.

Q From Congress and people who are not particularly informed. Is Congress included in those people who are not particularly informed, or are they separate clauses? How did you intend the sentence?

A I intended to indicate that there was misinformation or wrong information that is in the public.

Q That came from Congress?

A Again, I'm suggesting that in the sense that that's one particular source of information, doesn't apply to all of Congress. It's just applying --

Q Were you suggesting that Congress is not particularly --

Mr. McQuaid. Just let him finish the answer. He just cut that answer.

Mr. Rhodes. I'm suggesting that there's wrong information that was in the public domain.

BY MR. DAVIS:

Q Are you suggesting that Congress is not particularly informed on this issue?

A I'm merely suggesting that there was information that I saw to be wrong in the public domain.

Q Some of which came from Congress?

A I'm suggesting that that is -- was a potential source, along with other potential sources.

Q I don't see any other potential sources here. It seems like a pretty definitive statement. There's a ton of wrong information getting out into the public domain from Congress, not possibly from Congress, from Congress. So what are you referring to?

A I'm referring to the fact that there was misinformation or inaccurate information in the public domain.

Q So what was this inaccurate information in the public domain?

A I recall there being many different theories about what

happened in Benghazi that were emerging publicly over the course of that week.

Q And what were some of those theories, if you can recall?

A I don't know what I was -- I don't remember what I was referring to specifically when I wrote this sentence. I just remember that there were many different theories about what had taken place, and many of them were incorrect.

Q Let's go to the next sentence. "Insofar as we have firmed up assessments that don't compromise intel of the -- or the investigation, we need to have the capability to correct the record as there are significant policy and messaging ramifications that would flow from a hardened misimpression."

Can you describe exactly what you meant by "there are significant policy and messaging ramifications that would flow from a hardened misimpression"?

A It's my belief that you would need to put information out publicly that represents the assessments in the intelligence community, and if you do not do that correctly, it's inevitably going to create challenges.

Q So what are the policy ramifications that flow from that?

A Again, my belief is that if you aren't putting forward accurate information on issues as important as what took place in a terrorist attack, that that is inevitably going to affect the way in which you're carrying out your policy.

Q Can you give me an example of how that would occur in this case?

A Well, again, you want to make sure that you are representing the best information in the intelligence community as you're making determinations about how to respond to an attack.

Q I agree, but you wrote "there are significant policy and messaging ramifications that would flow from a hardened misimpression." I'm just trying to understand what those policy ramifications are. You say there are some. I don't disagree. I'm just trying to understand what they would be.

A You would not want to formulate your policy based on information that does not correctly represent the assessments of the intelligence community.

Q But what does that have to with getting out into -- publicly, you form your policy based on the assessments of the intelligence community, regardless of whether the public has a hardened impression on that?

A You would formulate your policy and your public messaging based on the assessments of the intelligence community and you would not want to be informing the public of something that does not represent your best judgment of events that transpired.

Q Are you, as the administration, informing the public of assessments that don't reflect their best judgment, or is it Congress and other people that are not particularly informed?

A We are seeking to communicate to the public what we believe

took place in Benghazi in an environment where there is lots of different information reaching the public, and the point I'm making is that it is our responsibility, as spokespeople and communicators on behalf of the U.S. Government, to make sure that we're putting forward the very best information and the most accurate information that we have at a given time.

BY MR. MISSAKIAN:

Q Mr. Rhodes, let's focus on September 15th, the day you prepared or helped prepare Susan Rice for her appearances. As best you can, tell me what your understanding of the Benghazi attacks was at that time, and by understanding, I mean the nature, the types of weapons, the number of attackers, all those sorts of things, what did you understand had occurred?

A My understanding was informed by what we were being told by the intelligence community, so I understood this to be an event in which people acted motivated, in part, by what took place in Cairo and attacked our facility in Benghazi. That's the nature of my understanding.

Q Okay. So if I hear you correctly, and I'm not trying to puts words in your mouth, you're saying your understanding of what had occurred in Benghazi was limited to what was -- what you read in the talking points that were circulating the day before and on that day?

A That was the basic assessment that was made available to me.

Q That's --

A I don't have additional operational requirements. My responsibility is to communicate what we believe happened.

Q I understand that, but, I mean, you have to agree that it's possible you had other information available to you from whatever source, in addition to what was in those talking points. I'm just asking you if you did.

A I recall, in the course of the week, learning more about the deaths of the four Americans and the circumstances under which they were killed, but it was within this assessment of an event that was involving a group of people who were motivated, in part, by the events in Cairo.

Q Did you learn that two of the four that died, died as a result of mortar fire?

A What I recall learning about the additional two is that they were CIA personnel.

Q You don't recall anything about how they died?

A I recall learning that they died in an assault that was separated in time from the initial assault on Ambassador Stevens.

Q So you did know that there was the initial assault on the U.S. State Department facility, and then a separate assault at the CIA Annex later that night or the next morning, you knew that?

A That's my basic recollection.

Q Did you have any understanding of how many attackers were involved in the first assault and then the second assault at the Annex?

A I don't remember having an understanding of the numbers of attackers.

Q Did you have any understanding of the number?

A Again, I don't recall having a specific range of people. I just remember that it was portrayed as a group of people.

Q What do you recall having learned about the attack at the CIA Annex?

A Again, I don't recall the specific operational matters related to that. I remember becoming aware, of course, of the tragic loss of our personnel and some concern about any material that may have been taken from either of those facilities.

Q And how do you recall receiving the information about the attack at the Annex? Do you recall?

A I remember learning of the deaths of the two officers, as we were discussing earlier, that morning of the 12th. Subsequently, my role in these discussions is to think about messaging, and so my recollection was mainly about learning of their deaths in the Annex in the context of trying to determine how we would deal with the fact that they were CIA personnel, how would we describe publicly the nature of their work. That was -- that's what I recall about the discussion around what took place at the Annex.

Q Now tell me about that, the discussion about how to describe the CIA Annex.

A My recollection is that, in one of the meetings that week, and I couldn't tell you with precision what time, but that Director

Petraeus indicated that these two individuals were CIA personnel, and then there was a discussion as to how we would describe their work publicly.

Q And this was a call or a meeting?

A I remember that it says a meeting.

Q A meeting. And Director Petraeus was there in person?

A I remember him being there in person.

Q Where did that meeting take place?

A I remember that meeting being in the situation room.

Q And do you recall when it occurred?

A I don't remember the exact time of the meeting. I remember the meeting, I think, because that was, you know, difficult information to become aware of and then to determine how to manage.

Q Can you place it -- the time of the meeting, can you place it in context, either in relation to the morning of September 12th when the President made the remarks in the Rose Garden, was it before or after that?

A I remember this being later in the week.

Q Later in the week.

A Closer to the ceremony in which the remains of those Americans were welcomed back to Andrews.

Q And who else was at that meeting, if you recall?

A Again, that would have been the various deputies and principals from across the interagencies.

[Rhodes Exhibit No. 11

was marked for identification.]

BY MR. MISSAKIAN:

Q I would like to show you what I've marked as exhibit No. 11. This is a one-page document. It's an email from Erin Pelton to Victoria Nuland dated September 16, 2012. When you had -- it was two emails, actually, it appears. When you've had a chance to review it, just let me know.

A Okay.

Q Just focusing on the email at the bottom of the chain, it's an email from Erin Pelton to a number of people, including yourself, dated September 16, 9:41 a.m.

It appears to have gone out after Ambassador Rice appeared on CBS talk show. Is that a fair reading of what this is?

A Yes.

Q And I'll read it into the record. "They open with Libyan President who says no attack" -- sorry, "who says no doubt, attack preplanned/predetermined. Says planned by foreigners. Says maybe better for FBI to stay away a little while though they need their help with investigation."

The next sentence. "She said in all other shows that no evidence this was predetermined" -- I'm sorry, "premeditated, as we discussed."

Now, do you recall, at the time, learning with the then-President of Libya had come out on the talk show and said the exact opposite of

what Ambassador Rice had said in terms of whether or not the attack was premeditated or spontaneous?

A I remember learning that after her appearances because I didn't watch the appearances.

Q When did you learn? How far after?

A I think whenever I checked my email in the timeframe when I would have been receiving messages like this.

Q When you -- so you have no reason to believe you did not receive this email from Erin Pelton?

A No. I have no reason to believe I didn't receive it.

Q So do you recall doing anything? I mean, this is saying the exact opposite of what Ambassador Rice had said. Did that concern you at all?

A I remember being struck by the comments made by the Libyan president, but again, we make our judgments about what we say about events based on our intelligence community, not based on foreign governments.

Q Okay. Fair enough. So you didn't go back to the intelligence community and say, hey, what's going on here, did we miss something, anything like that? You just let it stand?

A No, I believe that we knew that we would get asked questions about it, so therefore, in the process of determining what our responses are going to be to questions leading into the week, we would have gone back to the intelligence community and flagged this as an issue.

Q To your knowledge, did anybody try to find out what the

president of Libya was relying on? Is it possible -- is it -- to find out whether or not he knew something, or the Libyan intelligence community knew something that the U.S. intelligence community did not know?

A Again, that would not have been my responsibility.

Q So you're not aware of any efforts? You certainly didn't do any personally, and you're not aware of any such efforts?

A Again, my personal efforts would have involved thinking about and working with the intelligence community to determine how we would answer questions about the Libyan president's statements on Monday in briefings.

Q And the next sentence, "She said in all other shows that no evidence this was premeditated, as we discussed."

Now, if I read that, it suggests to me that there was some discussion, I assume, in the prep call about the issue of premeditation. Now, having read that, does that refresh your memory in any way about what was discussed in that call, or is it possible she's referring to a different discussion?

A I don't know what she's referring to. Again, I know that we provided the talking points that had indicated at that time that there was a spontaneous maker to the events in Benghazi.

Q But she's not -- she's not saying that. She's saying, "as we discussed," as opposed to "as provided in the HPSCI talking points," for example. So do you believe there was any discussion about the issue of premeditation in preparing Ambassador Rice for the talk shows?

A Again, I don't know what she's referring to. My recollection is that we discussed Benghazi and indicated that she would be receiving -- Susan Rice would be receiving the talking points that we're preparing for HPSCI, and then we discussed a broad variety of events in the region.

Q So if I understand you correctly, your best recollection is that on the prep call on Saturday, that you did not discuss with her the issue of whether the attacks were premeditated?

A I don't remember having a lengthy discussion about the attacks. I remember indicating that the HPSCI talking points would be the basis for her preparation.

Q And based on your conversation with Ambassador Rice during that prep call on Saturday, do you have an understanding of what document she had in her preparation binder?

A Again, my recollection is sending her the prep document that you provided to me. I don't know what other documents she might have had in her materials.

Q Okay. So other than what's been marked as exhibit 5?

A In addition to exhibit 5, I understood that she was going to be receiving HPSCI talking points. So my understanding was that she would have exhibit 5 and then the final HPSCI talking points. I don't know if other materials were provided to her by her staff.

Q Okay. So as far as you knew at the time, was it your expectation that the statements Ambassador Rice would make about Benghazi on the talk shows would be limited to the information contained

in what's been marked as exhibit 5 and what would be contained in the talking points that were being prepared and that would be sent to her later that night?

A Yes, that's my recollection of the prep.

Q We just have a few minutes left. If you'd just give me a moment to go through my notes, I'll see if there's anything I need to follow up on.

Okay. On -- I believe this is within the scope of the agreement. On September 28, the Office of the Director of National Intelligence issued a statement in which they attempted to correct the record about what had been said previously about Benghazi, and I believe, based on the documents we've seen, that you were involved in preparing that statement. Is that correct?

A Well, my recollection is that there was an interest in providing a statement that clarified our understanding and the evolution of our understanding of the events in Benghazi that that statement was to be prepared by the intelligence community. I work with them in my coordinating role as they were preparing that statement.

Q So I gather you objected to my use of the word "correct." I think you used the word "clarified." Why is that?

A Well, as I recall, the purpose of the statement was to explain the evolution of our understanding of the attacks, given how that had taken place over the course of the time between September 11th and that statement.

Q It was also to correct the record. There had been previous

statements suggesting -- stating that there had been a protest in Benghazi and there was, in fact, no protest, correct?

A Yes.

Q Okay. So it was, in part, to correct that prior misstatement. Is that correct?

A And to -- again, my recollection is it was intended to explain how our understanding of events had evolved over time.

Q And to correct the record about the protest?

A And to make clear what the record was, yes.

Q Okay. And when did you learn that there was, in fact, no protest in Benghazi that preceded the attacks?

A What I remember is that not too long after Susan Rice's appearance on the Sunday shows, the following week, Matt Olsen, the Director of the National Counterterrorism Center testified in open session before Congress, and by that point, there was the assessment of the intelligence community in that testimony that there were Al Qaeda-linked extremists and not a protest.

Q Okay. And -- that's fair.

Do you know if any information or any statements were edited out of the HPSCI talking points to protect sources and methods?

A My recollection is that there were edits made to those talking points within the intelligence community and within the CIA. I don't remember all of the reasons for the edits that they made. That would have been one of the considerations that they would have taken

into account, given that these were going to be publicly used talking points.

Q But as you sit here today, you don't know if any edits were made for that reason?

A I don't know what motivated all the edits that they made.

Q And did you have any conversations with Ambassador Rice after her appearances on the talk shows in which the topic of correcting the record came up?

A I don't remember conversations with her immediately after the Sunday shows, but this is obviously an issue that we have much occasion to discuss since, so I've had conversations with her. I just don't remember the first or specific conversation in proximity to the Sunday shows.

Q So it may have happened shortly after the Sunday shows. It may have happened a year after the Sunday shows. You just don't know?

A I just don't know.

Q Okay. Alright. I don't think I have anything else. Thank you very much. We'll turn it over to the minority staff at this point.

Mr. Missakian. Off the record.

[Discussion off the record.]

[7:17 p.m.]

Ms. Sawyer. We'll go back on the record. Thank you.

BY MS. SAWYER:

Q I just wanted to start briefly with exhibit 10.

A Okay.

Q Which I think you will have before you. And this was a document that my colleague asked you some questions about and said that it was some of the excerpts from a longer document that we had been given and that HPSCI had been given before us related to the evolution of the HPSCI talking points.

So I don't know if these are all of the emails that you are on, but I just wanted to ask you in particular about the one that you had discussed with my colleague, which is the third page in. It has just a -- I think a number down at the bottom like 55 in that packet?

A Yes.

Q Okay. So there was a lot of back and forth about potentially what you had been relying on or thinking about with regard to Congress. And understanding that it's been, I think, 3-1/2 years, you've indicated you weren't sure what specifics?

A Yes.

Q Do you happen to recall, and I ask it in part because it relates to something we talked about earlier today, the Independent report, an article indicating there had been a prior warning. Do you happen to recall Representative Duncan, Jeff Duncan, indicating in a

hearing, I think it was the day after that Independent article had come out, and repeating that there had been an advanced warning about the attack in Benghazi?

A I don't recall that specific hearing. I do remember that these types of theories and bits of information were being, you know, amplified in different places, including from Congress.

Q So that could be an example, it might not be the one, but it could be an example of something that would be of concern because it had repeated something that the day before you had been dealing with in the document that we talked about?

A It could be. Again, I don't remember specifically what I was referring to, but it's an example of how information gets into a loop in the media.

Q And so in this document, in that paragraph that you were discussing it, that second sentence it says, quote, "Insofar as we have firmed up assessments that don't compromise intel or the" -- "for the investigation --"

A "For the investigation."

Q Sorry, "-- intel for the investigation, we need to have the capability to correct the record, as there are significant policy messaging ramifications that would flow from a hardened misimpression."

You are not here making any substantive suggestion as to what that assessment should include, are you?

A No, I'm not.

Q In fact, the way I read it is you are saying "insofar as," so to the extent we do have firmed up assessments. Is that just an accurate -- meaning those aren't assessments you, Mr. Rhodes, were making?

A Yes, it is not our position to make the determinations ourselves. It is to receive the information from the intelligence community and make it available in ways that do not, again, compromise sources and methods or compromise an ongoing investigation.

Q So your request here is simply asking the intelligence community, insofar as you have firmed up assessments, that they should be shared in a way that you can then communicate.

A Yes, that's what I'm asking.

Q That document dealt with the HPSCI talking points, and in public testimony Mr. Morell was also asked specifically about these communications as he finalized the talking points with you and with Mr. Sullivan, Jake Sullivan. And he was asked that in a public hearing on Wednesday, May 22nd of 2013, before the House Permanent Select Committee on Intelligence. It's in a transcript that's been declassified. It's publicly available. It's also been available to this committee.

And he responded, he explained, "So Ben Rhodes is and was at the time director of communications for national security staff and Jake at the time was a senior adviser to Secretary Clinton and is now the Vice President's National Security Advisor. So just to repeat, there was no communication between the three of us before I sent around my

reworked version for final interagency coordination. And their only comment back to me on that version was to each request that we change the word, quote, 'consulate' to, quote, 'diplomatic post' because the TMF was, indeed, not considered officially a consulate," end quote.

Do you have any recalling at that time during that communication of that week that involved the talking points, do you recall having a different conversation or a more amplified conversation than Mr. Morell indicated in his testimony?

A I do not. Again, I just recall the comments he made in the Deputies Committee to all of us and then the fact that we subsequently received an email from him.

Q So to the best of your recollection, that week when you saw the talking points that had been finalized by Mr. Morell and then sent around the only change that you had requested was the change of the word "consulate" to "diplomatic post."

A That's right. I recall receiving these points from Mr. Morell on Saturday and making that one change.

Q So to the extent it had been represented that changes were requested to the final talking points by the White House, the change requested by the White House to the final talking points was to change the word "consulate" to "diplomatic post"?

A That's correct.

Q So you were asked if you had seen Ambassador Rice and you indicated you did not see her contemporaneous, but you were then also

shown what was entered in as exhibit 6. It's probably the thicker document in your packet.

A Uh-huh.

Q And exhibit 6 is the transcript?

A The transcripts, yeah.

Q For appearances. And I think you indicated that you had at some point during that week read the transcripts. Is that your recollection?

A I recall reading some of the transcripts. I don't know if I read all five contemporaneously.

Q And I wanted to just ask you a few questions since there's always and has been over the past 3 years a lot of discussion and representation as to what Ambassador Rice actually said. I wanted to just spend a couple minutes looking at the transcript that represents what she, in fact, did say.

So I just wanted to start with her appearance on ABC, and the conversation about Benghazi in particular starts at -- it's on page 3. Using the number up at the top, page 3 of this.

A Uh-huh.

Q Her comment in response to the question, there's a question from Jake Tapper, it's about a third of the way down.

A Uh-huh.

Q Her response is not in its own separate paragraph, but you'll see "Rice:" He asks her about, you know, what happened in Benghazi, and she says, quote, "Well, Jake, first of all, it's important

to know that there's an FBI investigation that has begun and will take some time to be completed. That will tell us with certainty what transpired. But our current best assessment, based on the information that we have at present is that, in fact, what this began as, it was a spontaneous -- not a premeditated -- response to what had transpired in Cairo. In Cairo, as you know, a few hours earlier, there was a violent protest that was undertaken in reaction to this very offensive video that was disseminated," end quote.

And then I would just refer you to exhibit 9, which is the final unclassified version of the CIA talking points. Is that statement there from Ambassador Rice when she is speaking about what happened in Benghazi consistent with the final unclassified version of the CIA talking points?

A Yes, it's consistent with the CIA talking points.

Q And again, that CIA HPSCI talking points were what you had anticipated and discussed with Ambassador Rice as being the guidance for her to respond specifically to Benghazi when asked about that on the show?

A Yes, that's correct.

Q And that assessment represented the best assessment of the intelligence community at the time that she appeared on Saturday -- Sunday morning, the 16th?

A Yes, that's correct.

Q I just direct you a little further down the page. Go down another paragraph. There's another reinforcement there that says,

quote, "We'll wait to see exactly what the investigation finally confirms, but that's the best information we have at present," end quote.

Now, some have criticized Ambassador Rice for not having sufficiently indicated that this was potentially a preliminary assessment or that it could change. Do you think that she failed to convey that adequately?

A No. I think she conveys it clearly when she says that we'll have to wait and see what the investigation confirms and that she frames her comments as being "our current best assessment, based on the information that we have at present," end quote.

Q And that wasn't actually the only time. That was the second time she reiterated that within the course of her comments, because she started her comment with an indication "that there's an FBI investigation that has begun and will take some time to be completed. That will tell us with certainty what transpired."

So in this particular talk show response, when talking specifically about Benghazi, she actually indicated twice that there was an investigation and we would have to wait until that was done to know definitively what had transpired. Is that correct?

A Yes, that's correct.

Q And during the scope of the time that we're talking about, which is that week, was that investigation, indeed, completed?

A No, it was not.

Q So she couldn't possibly have given, based even on what she

was saying here, the final, definitive account as to what happened in Benghazi?

A No, she could not have.

Q And the HPSCI talking points we have focused pretty heavily on point one, but point three actually indicates, "The investigation is ongoing and the U.S. Government is working with Libyan authorities to bring to justice those responsible for the deaths of U.S. citizens." So the HPSCI talking points themselves acknowledge that there was an ongoing FBI investigation.

A Yes, that is correct.

Q And certainly that fact was not a fact that was unknown or had not been discussed even publicly in comments by administration officials.

A Yes, that's correct. And, again, the guidance given to Ambassador Rice was to work off of the information prepared by the intelligence community that was going to have as one purpose public use.

Q And then I would just direct your attention now to the next Sunday show that's in this packet, which is "CBS Face the Nation" on page 8. And responding to a question from Bob Schieffer which specifically goes to whether it was a spontaneous -- specific question about Benghazi being spontaneous or was it in the planning stages for months, something that we have heard about today that the President of Libya may have commented on it on at least one of the talk shows, she responds, quote, "Well, Bob, let me tell you what we understand

to be the assessment at present. First of all, very importantly, as you discussed with the president, there is an investigation that the United States Government will launch, led by the FBI, that has begun."

He interrupts, "But they are not there yet."

She says, Ambassador Rice, quote, "They are not on the ground yet but they have already begun looking at all sorts of evidence of various sorts already available to them and to us. And they will get on the ground and continue the investigation. So we'll want to see the results of that investigation to draw any definitive conclusions. But based on the best information we have to date, what our assessment is as of the present is in fact what -- it began spontaneously in Benghazi as a reaction to what had transpired some hours earlier in Cairo, where, of course, as you know, there was violent protests outside of our embassy sparked by this hateful video."

That comment on "CBS Face the Nation," is that consistent with the HPSCI talking points?

A Yes, it is.

Q And in this example that I have just read to you, even before she gets the assessment she says twice that there is an FBI investigation and that we will have to await the conclusion of that investigation to provide a definitive account. Is that not accurate based on this transcript?

A Yes, that's correct.

Q So here do you think she failed to adequately indicate that this was preliminary and that facts could change?

A No. Again, I think she went out of her way to indicate that these were preliminary assessments that could change over time.

Q And then I'll just turn you to the next, "NBC Meet the Press," and the conversation specific to Benghazi occurs on page 12.

Again, there's a question about what happened there and she responds, quote, "Well, let us -- let me tell you the best information we have at present. First of all, there's an FBI investigation which is ongoing and we look to that investigation to give us the definitive word as to what transpired. But putting together the best information that we have available to us today, our current assessment is that what happened in Benghazi was, in fact, initially a spontaneous reaction to what had just transpired hours before in Cairo; almost a copycat of the demonstrations against our facility in Cairo, which were prompted, of course, by the video."

That statement there about what happened in Benghazi, was that consistent with the HPSCI talking points?

A Yes, it was.

Q And, again, as she leads into that, she indicates that there's an investigation and that what she is giving is the best information available at the time. So do you think she failed to adequately caveat and indicate that this was the assessment as of the time she was speaking on Sunday, September 16th?

A I believe she was very careful to caveat that this was an ongoing investigation, and we were working off the information we had available to us at that time.

Q And that certainly you would have to await the results of the FBI investigation to have a definitive accounting of what had happened?

A Yes.

Q So based on what we have already looked at, it appears to me certainly that in speaking specific to what happened in Benghazi, her comments followed a pattern of sorts in that she certainly seems to have started, at least in these three examples, by discussing the fact that there was an investigation. She spoke, as you indicated, consistent with the HPSCI reports about what happened. And then she often reminded the individuals she was speaking to, and by virtue of that the American people, that there was an ongoing investigation.

Would you agree that that seems kind of how she tried to handle her explanation based on the talking points as to what happened in Benghazi?

A Yes.

Q You indicated -- you were asked about a DNI statement that took place some weeks later. This was the 16th. I think you were asked about a statement on the 28th --

A Yes.

Q -- just in general, where there was some discussion about the evolving information that had come in.

So to the extent that information did, in fact, evolve, would the fact -- would the sheer fact that information did change over time

itself be something that was inconsistent with what Ambassador Rice was communicating to the American people on the Sunday talk shows?

A It would be consistent. She said that this was the best assessment we had at the time, but there would be an ongoing investigation. That certainly suggests that it's possible that there would be additional information and additional facts, additional assessments that could cause us to come forward with a different or evolving understanding of events.

Q So the reality that as additional facts are collected, the facts evolved, the assessments change, does not indicate in any way that anyone actually made a mistake when they made their assessment on the 15th and the 16th that is reflected in the HPSCI talking points or a mistake for Ambassador Rice to have relied on those in conveying the best information available at the time?

A No. It's simply the nature of these matters that you are able to learn more information. The more you can investigate, the more can go back and look carefully at the information available to the U.S. Government.

Q So in some ways the DNI statement wasn't, in fact, correcting something that had been a mistake. It was simply representing how the information had evolved and therefore how the assessment had evolved.

A Yes. As I suggested earlier, we saw the DNI statement as an opportunity to explain how our understanding of the information and

the events in Benghazi had evolved between September 11th and September 28th.

Q And in that statement, the DNI statement on the 28th, the same as Ambassador Rice's statements on Sunday September 16th, 12 days earlier, was the principle that we talked about earlier in this, that you were endeavoring in both circumstances and, in fact, in all circumstances that you were involved in messaging that month about the attacks, to provide to the best of your ability the best information that was available at the time to the American people?

A Yes. That was our guiding principle in terms of how we were communicating around the events related to the attacks in Benghazi.

Q And the fact that some of those facts changed, that the assessment changed in one way with regard to the assessment of the protest, again, did not indicate that you had been mistaken when you spoke earlier about the facts as you understood them in an earlier timeframe.

A Yes. You have to rely on the evolution of the assessment made by the intelligence community, and it is natural that as an investigation proceeds and as information is analyzed, that they may evolve in their own understanding of events.

Q So certainly even if -- if it wasn't a mistake at the time it was spoken, it certainly was not an intentional misrepresentation of the facts that you knew at the time, that Ambassador Rice knew at the time when she spoke on September 16th?

A Absolutely not. And, again, Ambassador Rice's comments on the Sunday shows track very closely to the points that were produced for HPSCI that we received from the deputy director of the Central Intelligence Agency.

Q And with regard to the messaging that you did -- and I believe this is within the scope -- that month, we've talked a lot about that week, did you ever make any changes to any of the statements or the talking points that you were involved in drafting that deliberately downplayed the role of terrorists and what happened in Benghazi?

A I did not.

Q Did you ever make any changes that sought to portray the facts in a manner that was more favorable to the administration than the actual facts would indicate?

A Our approach to messaging was to convey the facts as best we understood them, informed by the intelligence community, not for any other purpose.

BY MS. SACHSMAN GROOMS:

Q I think it was DNI Director Clapper who testified that he felt that Ambassador Rice was unfairly attacked for her statements on the Sunday talk shows when she relied on the intelligence community's assessment. That was their best assessment at the time. Do you think she was unfairly attacked?

A I do. Any U.S. Government official who was appearing in that timeframe and making use of the assessments of the intelligence

community would have said something similar to what she said. And so, you know, I think she's been unfairly attacked.

Q Okay. So what I'm going to endeavor to do within the scope of today's interview is go through some of the questions that we ask all of the witnesses that come in. So when you're answering the questions, just think about the scope of the interview, which I believe is the weeks surrounding the attacks. And most of them will follow that.

What I'm looking for is just whether you have any knowledge or evidence of this information. I'm not specifically looking for a long discussion. So if you don't have any knowledge, you can just say no and we will move on.

It's been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks.

Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A I do not.

Q It's been alleged CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship.

Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A I do not.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A I do not.

Q It's been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that Secretary Clinton told Leon Panetta to stand down and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A I do not.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A I do not.

Q It's been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims. Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

Mr. McQuaid. So I think as with Ambassador Rice, I think that one is out of the scope, so I would ask you to move on to the next question.

BY MS. SACHSMAN GROOMS:

Q A team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but that instead there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order to CIA personnel?

A I do not.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A I do not.

Q It has been alleged that the President of the United States was virtually AWOL as Commander in Chief on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A I do not.

Q It has been alleged that a team of four military personnel at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were, instead, ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi."

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A I do not.

Q It has been alleged that the military failed to deploy assets on the night of the attacks that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the

troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," end quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A I do not.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives, but that Pentagon leadership intentionally decided not to deploy?

A I do not.

Q Alright.

Ms. Sawyer. So thank you very much for your time. We have asked you a lot of questions. I just want to give you the opportunity, in a way, of having the final word, just in the sense that I want to invite you, if there's anything that you would like to add or that you think would be helpful for the committee to know or understand, give you that opportunity.

Mr. Rhodes. No. I mean, I think, you know, Congressman Schiff gave me that opportunity somewhat before. So thank you for the opportunity.

I'd just close by saying that, again, even amidst all of these discussions and all of the events that have taken place since, you know, what we keep in mind is the four Americans we lost. And what I hope we can do going forward is try to learn whatever we can to do what is

necessary to protect Americans who serve in difficult places overseas, because that ultimately is what this should all be about.

Ms. Sawyer. Well, thank you. We, again, thank you for your time and appearing and answering our questions voluntarily. And we understand it has been a long day. So thank you.

We are off the record and finished.

[Whereupon, at 7:50 p.m., the interview was concluded.]

EXHIBIT 1

(STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.)

From: Nuland, Victoria J
Sent: Saturday, September 15, 2012 7:18 PM
To: [redacted]
Subject: Fw: On cairo warning

From: Nuland, Victoria J
Sent: Saturday, September 15, 2012 07:08 PM
To: [redacted] <[redacted]>
Subject: Fw: On cairo warning

E- backstory is [redacted] did warn but only after your friend [redacted] had told RSO and Charge had agreed to close early. Sigh.

From: Vietor, Tommy [mailto:[redacted]]
Sent: Saturday, September 15, 2012 07:02 PM
To: Nuland, Victoria J; Rhodes, Benjamin J. <[redacted]>; Sullivan, Jacob J; [redacted] Kennedy, Patrick F; [redacted]
Subject: RE: On cairo warning

I think that makes perfect sense. Can also remind people it had nothing to do with Benghazi!!

-----Original Message-----
From: Nuland, Victoria J [nulandvj@state.gov]
Sent: Saturday, September 15, 2012 06:50 PM Eastern Standard Time
To: Rhodes, Benjamin J.; Vietor, Tommy; Sullivan, Jacob J; [redacted] Kennedy, Patrick F; [redacted] S
Subject: On cairo warning

Can we say something like:

We were well aware through Embassy monitoring of social media and other sources that the film was being used to whip up strong feeling in Egypt which could lead to demonstrations. This is why we took the precaution of sending most Embassy staff home early that day, well before the protests even began.

(STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.)

EXHIBIT 2

This exhibit was not cleared for public release.

EXHIBIT 3

U.S. DEPARTMENT OF STATE
DIPLOMACY IN ACTION

Statement on the Attack in Benghazi

Press Statement
Hillary Rodham Clinton
Secretary of State
Washington, DC
September 11, 2012

I condemn in the strongest terms the attack on our mission in Benghazi today. As we work to secure our personnel and facilities, we have confirmed that one of our State Department officers was killed. We are heartbroken by this terrible loss. Our thoughts and prayers are with his family and those who have suffered in this attack.

This evening, I called Libyan President Magariaf to coordinate additional support to protect Americans in Libya. President Magariaf expressed his condemnation and condolences and pledged his government's full cooperation.

Some have sought to justify this vicious behavior as a response to inflammatory material posted on the Internet. The United States deplores any intentional effort to denigrate the religious beliefs of others. Our commitment to religious tolerance goes back to the very beginning of our nation. But let me be clear: There is never any justification for violent acts of this kind.

In light of the events of today, the United States government is working with partner countries around the world to protect our personnel, our missions, and American citizens worldwide.

PRN: 2012/1421

EXHIBIT 4

C05411836

From: Rhodes, Benjamin J.
Sent: Thursday, September 13, 2012 12:02 PM
To: Meehan, Bernadette; 'Andy, Adora (OPA)'; 'Warren, Steven H LTC OSD PA'; NSC Deputy Press Secretary; Nuland, Victoria J; H; Sullivan, Jacob J; Reines, Philippe I; 'Little, George CIV OSD PA'; 'Wood, Carl R Mr OSD PA'; 'Matthew.Chandler@dhs.gov'; @state.gov'; 'shawnst @state.gov'; 'Robert.Jensen@hq.dhs.gov'; @state.gov'; 'Lapan, David Col JCS OCJCS PA'; 'McNally, Patrick CDR JCS OCJCS PA'; 'Seiber, Patrick LTC JCS OCJCS PA '; 'Rigler, Tara CIV OSD PA'; 'Boyd, Dean (NSD) 'Schmaler, Tracy (OPA) 'Andy, Adora (OPA)
Subject: RE: USG Public Response to Events in Libya and Egypt

Here are those points we talked about on the call, adapted from the Secretary's words this morning:

Talking Points on Movie

- Clearly, there are protests taking place in different countries around the world that are responding to the movie that has circulated on the Internet.

- As Secretary Clinton said today, the United States government had nothing to do with this movie. We reject its message and its contents. We find it disgusting and reprehensible. America has a history of religious tolerance – and respect for religious beliefs – that goes back to our nation's founding. We are stronger because we are the home to people of all religions – including millions of Muslims – and we reject the denigration of religion.

- We also believe that there is no justification at all for responding to this movie with violence. Muslims in the United States and around the world have spoken out against violence, which has no place in religion and is no way to honor religion. Islam respects the fundamental dignity of human beings, and it violates that dignity to wage attacks on innocents.

- It is especially wrong for violence to be directed against diplomatic missions. These are places whose very purpose is peaceful -- to promote better understanding across countries and cultures. Governments everywhere have a responsibility to protect these places.

- It is hard for some people around the world to understand why the United States doesn't prevent movies like this from seeing the light of day. That is impossible in today's world. Furthermore, our country has a long tradition of free expression, which is protected by the law. Our government does not – and cannot – stop individual citizens from expressing their views.

- Those of us who care about religious tolerance – and who respect religious beliefs – must not allow a tiny minority of people to provoke conflict between different religions, cultures, and countries. All leaders must draw a stark line against violence.

On Tomorrow

- Clearly, there are protests taking place in different countries around the world that are responding to the movie that has circulated on the Internet. For instance, we saw protests get out of hand in Yemen today.

C05411836

- The United States is doing everything we can to protect our diplomats and facilities. We are in touch with foreign governments, underscoring the need for close cooperation, and for nations to meet their responsibilities to protect diplomatic facilities and personnel. And we have increased our own security measures.

- We do anticipate that these protests may continue. It is no secret that Friday is often a day in which demonstrations are larger in Muslim-majority countries. But we will continue to make it clear that this video does not represent America, and we will continue to take additional precautions on our own and together with our partners.

From: Meehan, Bernadette
Sent: Thursday, September 13, 2012 7:07 AM
To: 'Andy, Adora (OPA)'; Rhodes, Benjamin J.; 'Warren, Steven H LTC OSD PA'; Vietor, Tommy; 'nulandvj@state.gov'; [redacted] @state.gov'; 'SullivanJJ@state.gov'; 'reinesp@state.gov'; 'Little, George CIV OSD PA'; 'Woog, Carl R Mr OSD PA'; [redacted] @state.gov'; 'shawnst[redacted] @state.gov'; 'Robert.Jensen@hq.dhs.gov'; [redacted] @state.gov'; [redacted] 'Lapan, David Col JCS OCJCS PA'; 'McNally, Patrick CDR JCS OCJCS PA'; 'Seiber, Patrick LTC JCS OCJCS PA '; [redacted] @state.gov'; 'Rigler, Tara CIV OSD PA'; [redacted] @state.gov'; [redacted] @state.gov'; 'Boyd, Dean (NSD) [redacted] ; 'Schmaler, Tracy (OPA) [redacted] 'Andy, Adora (OPA) [redacted]
Subject: RE: USG Public Response to Events in Libya and Egypt

Good morning,

For those who did not receive these last night I am pasting below the readouts released following the President's calls last night with Egyptian President Morsi and Libyan President Magariaf.

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
September 12, 2012

Readout of the President's Call with Libyan President Magariaf

President Obama called President Mohamed Magariaf of Libya this evening, their first conversation since President Magariaf's election last month. President Obama thanked President Magariaf for extending his condolences for the tragic deaths of Ambassador Chris Stevens, Sean Smith, and two other State Department officers in Benghazi yesterday. He also expressed appreciation for the cooperation we have received from the Libyan government and people in responding to this outrageous attack, and said that the Libyan government must continue to work with us to assure the security of our personnel going forward. The President made it clear that we must work together to do whatever is necessary to identify the perpetrators of this attack and bring them to justice. The two Presidents agreed to work closely over the course of this investigation. The President reaffirmed our support for Libya's democratic transition, a cause Ambassador Stevens believed in deeply and did so much to advance. He welcomed the election of a new prime minister yesterday to help lead the Libyan government's efforts to improve security, counter extremism, and advance its democracy.

C05411836

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THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
September 12, 2012

Readout of the President's Call with Egyptian President Morsi

The President called Egyptian President Morsi today to review the strategic partnership between the United States and Egypt, and our ongoing efforts to strengthen bilateral economic and security cooperation. Given recent events, and consistent with our interest in a relationship based on mutual interests and mutual respect, President Obama underscored the importance of Egypt following through on its commitment to cooperate with the United States in securing U.S. diplomatic facilities and personnel. The President said that he rejects efforts to denigrate Islam, but underscored that there is never any justification for violence against innocents and acts that endanger American personnel and facilities. President Morsi expressed his condolences for the tragic loss of American life in Libya and emphasized that Egypt would honor its obligation to ensure the safety of American personnel.

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From: Meehan, Bernadette
Sent: Wednesday, September 12, 2012 6:55 PM
To: 'Andy, Adora (OPA)'; Rhodes, Benjamin J.; 'Warren, Steven H LTC OSD PA'; [redacted] 'nulandvj@state.gov'; [redacted]@state.gov'; 'SullivanJJ@state.gov'; 'reinesp@state.gov'; 'Little, George CIV OSD PA'; 'Wood, Carl R Mr OSD PA'; [redacted]@state.gov'; 'shawnst[redacted]@state.gov'; [redacted]@state.gov'; [redacted] 'Lapan, David Col JCS OCJCS PA'; 'McNally, Patrick CDR JCS OCJCS PA'; 'Seiber, Patrick LTC JCS OCJCS PA'; [redacted]@state.gov'; 'Rigler, Tara CIV OSD PA'; [redacted]@state.gov'; [redacted]@state.gov'; Boyd, Dean (NSD) [redacted] Schmaler, Tracy (OPA) [redacted] Andy, Adora (OPA) [redacted]
Subject: USG Public Response to Events in Libya and Egypt

All,

Thanks for all of the cooperation today. To recap, both the President and Secretary Clinton released written statements, and made on camera statements. Jay Carney (WH) held a daily gaggle. Toria (State) and George (DoD) participated in a DOS-hosted background call specific to Libya. All of the materials released today should provide answers to take us through until tomorrow, so please refer to those as needed to ensure we all remain on the same page publically. If you need copies of any these materials, please let me know.

Tomorrow AG Holder will be making remarks at the closing session of the Arab Asset Recovery Forum in Doha. His speech includes a topper referencing the Benghazi attack. If there are other principals speaking tomorrow, please flag for the group so we can ensure consistency in messaging.

Thanks,
Bernadette

EXHIBIT 5

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMM.
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C05415285 Date: 10/20/2015

C05415285-MOU

Ryu, Rexon Y

From: Rhodes, Benjamin J.
Sent: Friday, September 14, 2012 8:09 PM
To: Vega, Dag; NSC Deputy Press Secretary; Plouffe, David; Pfeiffer, Dan; Carney, Jay; Palmieri, Jennifer; Earnest, Joshua R.; Govashiri, Ferial; Ledbetter, Howli J.; Selak, Dawn; Brundage, Daniel; Pelton, Erin; Alhassani, Mehdi K.
Subject: RE: PREP CALL with Susan: Saturday at 4:00 pm ET

Goals:

- To convey that the United States is doing everything that we can to protect our people and facilities abroad;
- To underscore that these protests are rooted in an Internet video, and not a broader failure of policy;
- To show that we will be resolute in bringing people who harm Americans to justice, and standing steadfast through these protests;
- To reinforce the President and Administration's strength and steadiness in dealing with difficult challenges.

Top-lines:

- Since we began to see protests in response to this Internet video, the President has directed the Administration to take a number of steps. His top priority has been the safety and security of all Americans serving abroad.
- First, we have significantly increased security at our diplomatic posts around the globe, with additional resources from across the government. The safety and security of our personnel is paramount and under constant review.
- Second, we have reached out to governments in the region to make sure they are cooperating closely with us, and meeting their obligations to protect diplomatic facilities as best they can. For instance, we've seen cooperation from Yemen and Egypt cooperate significantly after President Obama called those leaders.
- Third, we've made our views on this video crystal clear. The United States government had nothing to do with it. We reject its message and its contents. We find it disgusting and reprehensible. But there is absolutely no justification at all for responding to this movie with violence. And we are working to make sure that people around the globe hear that message.
- Fourth, we've encouraged leaders around the globe to speak out against the violence, and you've seen very important statements in the Muslim world by people like Prime Minister Erdogan of Turkey, President Morsi of Egypt, and others who have condemned the violence and called for a peaceful response.
- I think that people have come to trust that President Obama provides leadership that is steady and statesmanlike. There are always going to be challenges that emerge around the world, and time and again he's shown that we can meet them.

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Q: Are you concerned that our relationship with Egypt and other Muslim countries is quickly deteriorating? Is the Arab Spring now about hatred of America? Did President Obama lose the Arab World?

I think we need to step back a bit. The Arab Spring was about people across the region rising up to demand their basic rights. The protests we've seen these last few days were sparked by a disgusting and reprehensible video.

The fact is, this is a time of extraordinary change in the Arab World. But we've been able to build cooperative relationships with these new governments.

You saw that in Libya, where there's been full cooperation with the United States and an outpouring of support for Chris Stevens and the work that he did.

You saw that in Egypt, where President Obama was able to call President Morsi directly, which led to the Egyptians calling for calm and providing much more security at our Embassy.

So this part of the world has been faced with unrest many times in recent decade. But we're going to keep moving forward, and we believe that strong U.S. leadership can lead to a region that is more stable and more responsive to the people.

Q: Have you failed to articulate a policy for dealing with the Arab Spring?

You have heard the President articulate a very consistent set of principles and support for universal rights as the Arab Spring has unfolded. We support the process of nonviolent political and economic change and reform in the region. Of course, that process will look different in different countries.

There are countries where that transition has occurred, like Egypt, Yemen and Tunisia, and we're working to help them consolidate their democracies, deal with security needs, and stabilize their economies.

In other places like Syria that are still in throes of revolution, we have opposed the brutality of the regime and are supporting the aspirations of the people.

While this process unfolds, this President has left no doubt that he will continue to protect our other interests – destroying al Qaeda, bringing our men and women in uniform home from Afghanistan, and strengthening our leadership in the world.

But the Arab Spring is going to take time to play out. This is an enormous change. And that is why we need to stay focused and firm on behalf of our principles, as the President has done.

Q: What's your response to the Independent story that says we have intelligence 48 hours in advance of the Benghazi attack that was ignored? Was this an intelligence failure?

We are not aware of any actionable intelligence indicating that an attack on the U.S. Mission in Benghazi was planned or imminent. The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex.

Q: Can you explain to us again the President's comment about why Egypt was not an ally?

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Egypt is a critical partner of the United States. As you know, the President had an important conversation with President Morsi about the need to protect our embassy and personnel in Cairo, and the need to denounce the violence.

President Morsi expressed his condolences for the tragic loss of American life in Libya and emphasized that Egypt would honor its obligation to ensure the safety of American personnel. The President is very appreciative for the statement President Morsi made and for the actions he's taken to date to secure our Embassy.

This was not an effort to change our relationship with Egypt in any way. We have had a long-standing partnership with Egypt, and have supported their transition to democracy. We are now working to build our relationship with what is obviously a new government.

If Pressed: I'm not here to get into a long exchange about diplomatic terminology. The President has made it clear that Egypt is a close partner of the United States, and that we have expectations that the Egyptian government will meet its obligations to protect our facilities.

Q: Romney's advisor said that these protests wouldn't have happened under President Romney?

Well I'm not here to talk politics. Events abroad are unpredictable. Foreign policy challenges emerge no matter who is President. And I think that people have come to expect steady, statesmanlike leadership from this President on national security, and his response to these protests is no different

Israel / Iran

IRAN

Q: Is there a split between the United States and Israel on redlines? What are the U.S. redlines with Iran?

The President has been clear that he is determined to prevent Iran from acquiring a nuclear weapon and that all options are on the table in pursuit of that goal. We share the same objective as the Israelis, and there is no daylight between us on that matter of stopping Iran from obtaining a nuclear weapon.

The question of when we would consider a resort to military action involves multiple variables and would be shaped by conditions on the ground. We will continue our unprecedented security consultation and cooperation with the Israelis as we move forward.

This President is not going to take military action unless it is absolutely necessary. But I think the Iranians know full well that he is committed to preventing them from obtaining a nuclear weapon.

Q: Did the President rebuff Prime Minister Netanyahu's request for a red line?

The President has always been clear about his red line. He is determined to prevent Iran from acquiring a nuclear weapon and that all options are on the table in pursuit of that goal. We share the same objective as the Israelis, and there is no daylight between us on that matter of stopping Iran from obtaining a nuclear weapon.

Q: Why did the President refuse to meet with Prime Minister Netanyahu at UNGA?

President Obama is in frequent contact with the Prime Minister, as you would expect given his commitment to Israel's security and the range of challenges in the region. And when they need to speak to each other – they do so. We also talk regularly to our Israeli counterparts at all levels of government.

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Just the other day, when reports of tension came up in the press, the President was able to pick up the phone and call the Prime Minister and speak to him for an hour. They agreed on their commitment to prevent Iran from obtaining a nuclear weapon. And they agreed to stay in close contact in the days to com

They did look at whether it would be possible to meet. But the fact is, they're just not going to be in New York at the same time – the President will be there at the beginning of the week, Bibi will be there at the end of the week. So their schedules just don't match up.

If pressed: Did he seek a meeting in Washington?

My understanding is there wasn't a request to meet in Washington. What I know is that they're not in New York at the same time during UNGA. I don't have any other scheduling updates, but I am certain that they'll remain in close contact

From: Vega, Dag
Sent: Friday, September 14, 2012 7:11 PM
To: Rhodes, Benjamin J.; Vietor, Tommy; Plouffe, David; Pfeiffer, Dan; Carney, Jay; Palmieri, Jennifer; Earnest, Joshua R.; Govashiri, Ferial; Ledbetter, Howli J.; Selak, Dawn; Brundage, Daniel; PeltonE@state.gov; Alhassani, Mehdi K.
Subject: PREP CALL with Susan: Saturday at 4:00 pm ET

We plan to hold a call on Saturday at 4:00 PM ET to help prepare Susan for her interviews on the Sunday shows. She will appear on all of them.

Here are the numbers:
Phone Number:
Passcode:

Here are the promos.

NBC MEET THE PRESS

Obama's Foreign Policy Test

The race between President Obama and Governor Romney has entered new territory as the deadly attack on a U.S. consulate and the continuing anti-American protests overseas have forced foreign policy back into the spotlight. How does the Obama administration plan to respond? Plus, is the U.S. still a reliable ally to Israel against Iran? U.S. Ambassador to the United Nations Susan Rice will join us.

ABC THIS WEEK

After four Americans were killed Tuesday, including U.S. ambassador to Libya Christopher Stevens, in an assault on the U.S. consulate in Benghazi, questions remain about what sparked the violence – a controversial anti-Islamic film, or a planned attack by Al Qaeda militants? As American embassies throughout the region remain under fire, did the U.S. do enough to prevent attacks in Libya, Egypt, and Yemen? How will the ongoing protests and violence across the region impact U.S. relations and standing in the Middle East?

U.S. Ambassador to the United Nations Susan Rice speaks to ABC News senior White House correspondent Jake Tapper, Sunday on "This Week."

CBS FACE THE NATION

U.S. Ambassador to the U.N. Susan Rice

The latest on what's happening abroad and what it means for the region and the international community with U.S. Ambassador to the United Nations Susan Rice.

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FOX NEWS SUNDAY

Anti-US protests are spreading across the Arab world days after a deadly attack on the consulate in Libya. What should the US involvement be in the trouble region? Chris Wallace discusses the situation with Susan Rice, the U.S. Ambassador to the U.N.

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[redacted]

From: [redacted]
Sent: Wednesday, September 19, 2012 4:31 PM
To: [redacted]; Nuland, Victoria J
Subject: 2012-09-16 - Amb Rice - Sunday Shows.docx
Attachments: 2012-09-16 - Amb Rice - Sunday Shows.docx

AttachmentsClassification:
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SMARTCategory: Working
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Sunday Shows - Ambassador Rice
September 16, 2012

ABC- This Week 2
CBS- Face the Nation 8
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FOX News- Sunday 17
CNN- State of the Union 25

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ABC- This Week

[*] (BEGIN VIDEO CLIP)

TAPPER (voice-over): Good morning. Welcome to "This Week."

Crisis overseas. An ambassador and three other Americans murdered.

CLINTON: How could this happen?

TAPPER: American embassies throughout the region under fire.

OBAMA: The world must stand together to unequivocally reject these brutal acts.

CLINTON: The people did not trade the tyranny of a dictator for the tyranny of a mob.

TAPPER: And anti-America protests spreading around the world. What's behind the attacks? Could more be on the way? Did the Obama administration do enough to prevent the violence? And with fewer than two months until Election Day, how will the crisis overseas impact the presidential election here at home?

ROMNEY: An apology for America's values is never the right course.

TAPPER: We'll get the very latest on the threat abroad and to the homeland from the U.S. ambassador to the United Nations, Susan Rice and from Christiane Amanpour, Martha Raddatz, and Brian Ross.

Plus, full debate and analysis of the political fallout on our powerhouse roundtable, with George Will, Jonathan Karl, General Wesley Clark, Gwen Ifill of PBS, and Liz Cheney from Fox News.

ANNOUNCER: From ABC News, "This Week" with George Stephanopoulos. It's your voice, your vote. Reporting from the Newseum in Washington, Jake Tapper.

(END VIDEO CLIP)

TAPPER: Hello again. George Stephanopoulos has the morning off.

We are now in the homestretch, just 51 days until the election, and our powerhouse roundtable is standing by to get to all the week's politics. But first, the crisis that

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has the potential to shake up the presidential race, the murder of four Americans, including the U.S. ambassador, in Benghazi, Libya, on Tuesday, and the wave of anti- American protests and violence now sweeping the globe.

For more on what happened and why, let's bring in the U.S. ambassador to the United Nations, Dr. Susan Rice. Dr. Rice, thank you for joining us.

RICE: Good to be with you, Jake.

TAPPER: So, first of all, what is the latest you can tell us on who these attackers were at the embassy or at the consulate in Benghazi? We're hearing that the Libyans have arrested people. They're saying that some people involved were from outside the country, that there might have even been Al Qaida ties. What's the latest information? RICE: Well, Jake, first of all, it's important to know that there's an FBI investigation that has begun and will take some time to be completed. That will tell us with certainty what transpired.

But our current best assessment, based on the information that we have at present, is that, in fact, what this began as, it was a spontaneous -- not a premeditated -- response to what had transpired in Cairo. In Cairo, as you know, a few hours earlier, there was a violent protest that was undertaken in reaction to this very offensive video that was disseminated.

We believe that folks in Benghazi, a small number of people came to the embassy to -- or to the consulate, rather, to replicate the sort of challenge that was posed in Cairo. And then as that unfolded, it seems to have been hijacked, let us say, by some individual clusters of extremists who came with heavier weapons, weapons that as you know in -- in the wake of the revolution in Libya are -- are quite common and accessible. And it then evolved from there.

We'll wait to see exactly what the investigation finally confirms, but that's the best information we have at present.

TAPPER: Why was there such a security breakdown? Why was there not better security at the compound in Benghazi? Why were there not U.S. Marines at the embassy in Tripoli?

RICE: Well, first of all, we had a substantial security presence with our personnel...

TAPPER: Not substantial enough, though, right?

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RICE: ... with our personnel and the consulate in Benghazi. Tragically, two of the four Americans who were killed were there providing security. That was their function. And indeed, there were many other colleagues who were doing the same with them.

It obviously didn't prove sufficient to the -- the nature of the attack and sufficient in that -- in that moment. And that's why, obviously, we have reinforced our remaining presence in Tripoli and why the president has very -- been very clear that in Libya and throughout the region we are going to call on the governments, first of all, to assume their responsibilities to protect our facilities and our personnel, and we're reinforcing our facilities and our -- our embassies where possible...

TAPPER: But why...

RICE: ... and where needed.

TAPPER: Why would we not have Marines at the embassy in Tripoli to begin with? It would seem like this -- this is obviously an unstable country. This is a region where U.S. interests have been attacked in previous months. Why were there not Marines there to begin with?

RICE: First of all, there are Marines in some places around the world. There are not Marines in every facility. That depends on the circumstances. That depends on the requirements. Our presence in Tripoli, as in Benghazi, is relatively new, as you will recall. We've been back post-revolution only for a matter of months.

But I've visited there myself, both to Tripoli and Benghazi. I was very grateful to have a strong security presence with me as part of our -- our embassy detachment there. So we certainly are aware that Libya is a place where there have been increasingly some violent incidents. The security personnel that the State Department thought were required were in place. And we'll see when the investigation unfolds whether what was -- what transpired in Benghazi might have unfolded differently in different circumstances.

But the president has been very clear. The protection of American personnel and facilities is and will remain our top priority. That's why we've reinforced our presence in Tripoli and elsewhere.

TAPPER: Look at this map, if you would. There have been protests around the world over the last several days. And President Obama pledged to repair America's

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relationships with the Muslim world. Why does the U.S. seem so impotent? And why is the U.S. even less popular today in some of these Muslim and Arab countries than it was four years ago?

RICE: Jake, we're not impotent. We're not even less popular, to challenge that assessment. I don't know on what basis you make that judgment. But let me -- let me point...

TAPPER: It just seems that the U.S. government is powerless as this -- as this maelstrom erupts.

RICE: It's actually the opposite. First of all, let's be clear about what transpired here. What happened this week in Cairo, in Benghazi, in many other parts of the region...

TAPPER: Tunisia, Khartoum...

RICE: ... was a result -- a direct result of a heinous and offensive video that was widely disseminated, that the U.S. government had nothing to do with, which we have made clear is reprehensible and disgusting. We have also been very clear in saying that there is no excuse for violence, there is -- that we have condemned it in the strongest possible terms.

But let's look at what's happened. It's quite the opposite of being impotent. We have worked with the governments in Egypt. President Obama picked up the phone and talked to President Morsi in Egypt. And as soon as he did that, the security provided to our personnel in our embassies dramatically increased. President Morsi...

TAPPER: It took two days for President Morsi to say anything about this.

RICE: President Morsi has been out repeatedly and said that he condemns this violence. He's called off -- and his people have called off any further demonstrations and have made very clear that this has to stop.

TAPPER: Well, you bring up...

RICE: Now, and -- and same, frankly, in Tunisia, in Yemen, and, of course, in Libya, where the government has -- has gone out of its way to try to step up security and express deepest remorse for what has happened. We are quite popular in Libya, as you might expect, having been a major partner in their revolution.

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What transpired outside of our consulate in Benghazi was not an expression of deep-seated anti-Americanism on the part of the Libyan people. Quite the contrary. The counter-demonstrations, the outpouring of sympathy and support for Ambassador Stevens and for the United States, the government of Libya and -- and the people on the street saying how pained they are by this, is much more a reflection of the sentiment towards the United States than a small handful of heavily armed mobsters.

TAPPER: That certainly, according to polling, is the case in Libya. Not the case in Egypt. And since you brought up President Morsi, let me try to get some clarification on something. President Obama was asked about the relationship with Egypt on Wednesday, and this is what he said.

(BEGIN VIDEO CLIP)

OBAMA: I don't think that we would consider them an ally, but we don't consider them an enemy. They are a new government that is trying to find its way.

(END VIDEO CLIP)

TAPPER: The United States has sent billions of dollars of U.S. taxpayer money to Egypt over the last few decades. And by definition, as you know, according to the State Department, Egypt is a major non- NATO ally of the United States. Why would President Obama say Egypt is not an ally?

RICE: Well, first of all, the president has been very clear and -- and everybody understands that Egypt is a very critical partner of the United States, has long been so. That relationship remains the same, and the president wasn't signaling any change in -- in the nature...

TAPPER: Was he trying to nudge Morsi?

RICE: The president wasn't signaling any change in the nature of our relationship. Obviously, the president had a conversation with President Morsi and a very productive one, in which he underscored that it's, of course, the responsibility of the Egyptian government as host to protect diplomatic personnel and facilities, including our own, and we saw that President Morsi, immediately after that, took dramatic steps to improve the security of our facilities in Cairo and elsewhere, and then went out and repeatedly made a number of very important and powerful statements condemning the violence and conveying the message that, however

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hateful such a video may be, there is absolutely no justification for violence against the United States or other Western partners.

So what we've seen is that the president has been incredibly calm, incredibly steady, and incredibly measured in his approach to this set of developments. And his interventions, his leadership has ensured that in Egypt, in Yemen, in Tunisia, in Libya, and many other parts of the world, that leaders have come out and made very plain that there's no excuse for this violence. We heard Prime Minister Erdogan of Turkey say the same, we heard the Grand Mufti in Saudi Arabia say the same, that there's no excuse for violence, that violence is to be condemned, and that governments have a responsibility to protect United States personnel and facilities and those of all foreign diplomats.

TAPPER: I know you have to go, but very quickly, was the president in that interview trying to nudge President Morsi, "Get your act together"?

RICE: No. I think that the president communicated directly with -- with President Morsi and had the opportunity to -- to underscore our expectation that Egypt will do what it can to protect our facilities. So that -- that was conveyed very directly, and the results were immediate and quite satisfactory.

TAPPER: Dr. Rice, thank you so much for coming here today and answering our questions.

RICE: Good to be with you.

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CBS- Face the Nation

SCHIEFFER: And joining us now, Susan Rice, the U.N. ambassador -- our U.N. ambassador.

Madam Ambassador, he says that this is something that has been in the planning stages for month. I understand you had been saying that you think it was spontaneous? Are we not on the same page here?

RICE: Well, Bob, let me tell you what we understand to be the assessment at present. First of all, very importantly, as you discussed with the president, there is an investigation that the United States government will launch, led by the FBI that has begun.

SCHIEFFER: But they are not there yet.

RICE: They are not on the ground yet but they have already begun looking at all sorts of evidence of various sorts already available to them and to us. And they will get on the ground and continue the investigation.

So we'll want to see the results of that investigation to draw any definitive conclusions. But based on the best information we have to date, what our assessment is as of the present is in fact what -- it began spontaneously in Benghazi as a reaction to what had transpired some hours earlier in Cairo, where, of course, as you know, there was a violent protest outside of our embassy sparked by this hateful video.

But soon after that spontaneous protest began outside of our consulate in Benghazi, we believe that it looks like extremist elements, individuals, joined in that effort with heavy weapons of the sort that are, unfortunately, readily now available in Libya post- revolution. And that it spun from there into something much, much more violent.

SCHIEFFER: But you do not agree with him that this was something that had been plotted out several months ago?

RICE: We do not -- we do not have information at present that leads us to conclude that this was premeditated or preplanned.

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SCHIEFFER: Do you agree or disagree with him that al Qaeda had some part in this?

RICE: Well, we'll have to find out that out. I mean, I think it's clear that there were extremist elements that joined in and escalated the violence. Whether they were al Qaeda affiliates, whether they were Libyan-based extremists or al Qaeda itself I think is one of the things we'll have to determine.

SCHIEFFER: There seem to be demonstrations in more than 20 cities as far as we know yesterday. Is there any sense that this is leveling off?

RICE: Well, on Friday, of course, I think that's what you're referring to, there were a number of places around the world in which there were protests, many of them peaceful, some of them turned violent.

And our emphasis has been, and the president has been very, very clear about this, priority number one is protection of American personnel and facilities. And we have been working now very constructively with host governments around the world to provide the kind of protection we need and to condemn the violence.

What happens going forward, I think, it would be unwise for any of us to predict with certainty. Clearly the last couple of days have seen a reduction in protests and a reduction in violence. I don't want to predict though what the next days will yield.

SCHIEFFER: The Romney campaign continues to criticize the administration. Paul Ryan was on the campaign trail yesterday saying that the Obama administration has diminished America's presence overseas and our image, a direct quote: "If we project weakness, they come. If we are strong, our adversaries will not test us and our allies will respond to us." What's your response to that?

RICE: It's two-fold. First of all, Bob, I think the American people expect in times of challenge overseas for our leaders to be unified and to come together and to be steadfast and steady and calm and responsible. And that certainly is what President Obama has been.

With respect to what I think is a very empty and baseless charge of weakness, let's be plain, I mean, the American people know the record very well. President Obama said when he was running for president that he would refocus our efforts and attentions on al Qaeda. We've decimated al Qaeda. Osama bin Laden is gone.

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He also said we would end the war in Iraq responsibly. We've done that. He has protected civilians in Libyans and Gadhafi is gone.

I serve up at the United Nations, and I see every day the difference in how countries around the world view the United States. They view us as a partner. They view us as somebody they want to work with. They view President Obama as somebody they trust. Our standing in the world is much stronger. So this charge of weakness is really quite baseless.

SCHIEFFER: Do you think Mitt Romney spoke inappropriately when he criticized and issued a statement so early in this turmoil?

RICE: Bob, I think you know, in my role, I'm not going to jump into politics and make those judgments. That's for the American people to decide.

SCHIEFFER: Madam Ambassador, thank you for being with us.

RICE: Thank you very much.

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NBC- Meet the Press: Susan Rice, U.S. Ambassador to the UN

GREGORY: And good morning. Relative calm this morning in the Middle East after several days of intense anti-American protests raged across many parts of the Islamic world. But word this morning that the Obama administration has the ordered evacuation of all but emergency personnel from diplomatic missions in Tunisia and Sudan and Defense Secretary Leon Panetta saying this morning the Pentagon has deployed forces to several areas in an increased effort to protect U.S. personnel and property from the potential of violent protests -- the latest consequences of course of this troubling unrest.

Joining me now for the very latest, the U.S. Ambassador to the United Nations, Susan Rice. Ambassador Rice, welcome back to MEET THE PRESS.

SUSAN RICE, U.S. AMBASSADOR TO THE UNITED NATIONS: Thank you. It's good to be here.

GREGORY: The images, as you well know are jarring to Americans watching all of this play out this week and we'll share the map of all of this turmoil with our viewers to show the scale of it across not just the Arab world but the entire Islamic world and flashpoints as well.

In Egypt, of course, the protests outside the U.S. embassy there, that Egyptian officials were slow to put down.

This weekend in Pakistan, protests as well there more anti- American rage. Also protests against the drone strike.

In Yemen, you also had arrests and some deaths outside of our U.S. Embassy there.

How much longer can Americans expect to see these troubling images and these protests go forward?

RICE: Well, David, we can't predict with any certainty. But let's remember what has transpired over the last several days. This is a response to a hateful and offensive video that was widely disseminated throughout the Arab and Muslim world.

Obviously, our view is that there is absolutely no excuse for violence and that what has happened is condemnable. But this is a spontaneous reaction to a video, and it's not dissimilar but perhaps on a slightly larger scale than what we have seen in the past with "the satanic verses" and with the cartoons of the Prophet Muhammad.

Now the United States has made very clear and the President has been very plain that our top priority is the protection of American personnel in our facilities and bringing to justice those who attacked our facilities.

(CROSSTALK)

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GREGORY: All right, well let's talk about -- you talked about this as spontaneous. Can you say definitively that the attacks on our consulate in Libya that killed Ambassador Stevens and others there security personnel that was spontaneous? Was it a planned attack? Was there a terrorist element to it?

RICE: Well let us -- let me tell you the best information we have at present. First of all, there's an FBI investigation which is ongoing and we look to that investigation to give us the definitive word as to what transpired. But putting together the best information that we have available to us today, our current assessment is that what happened in Benghazi was, in fact, initially a spontaneous reaction to what had just transpired hours before in Cairo; almost a copycat of -- of the demonstrations against our facility in Cairo, which were prompted, of course, by the video.

What we think then transpired in Benghazi is that opportunistic extremist elements came to the consulate as this was unfolding. They came with heavy weapons, which unfortunately, are readily available in post-revolutionary Libya. And it escalated into a much more violent episode.

Obviously, that's -- that's our best judgment now. We'll await the results of the investigation and the President has been very clear. We'll work with the Libyan authorities to bring those responsible to justice.

GREGORY: Was there a failure here that this administration is responsible for, whether it's an intelligence failure, a failure to see this coming, or a failure to adequately protect U.S. embassies and installations from a spontaneous kind of reaction like this?

RICE: David, I don't think so. First of all, we had no actionable intelligence to suggest that any attack on our facility in Benghazi was imminent. In Cairo, we did have indications that there was the risk that the video might spark some -- some protests and our embassy in fact, acted accordingly and had called upon the Egyptian authorities to reinforce our facility.

What we have seen with respect to the security response, obviously, we had security personnel in Benghazi, a significant number and tragically among those four that were killed were two of our security personnel. But what happened, obviously, overwhelmed the security we had in place, which is why the President ordered additional reinforcements to Tripoli and why elsewhere in the world we have been working with governments to ensure they take up their obligations to protect us and we reinforce where necessary.

GREGORY: The President and Secretary of State have talked about a mob mentality. That's my words, not their words, but they've talked about the tyranny of mobs operating in this part of the world.

Here is the reality. If you look at foreign aid, U.S. direct foreign aid to the two countries involved here, in Libya and Egypt, this is what you'd see; $200 million since 2011 to Libya, over $1 billion a year to Egypt.

And yet Americans are seeing these kinds of protests and attack on our own diplomats. What do you say to members of Congress who are now weighing whether to suspend our aid to these

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countries if this is the response that America gets? RICE: Well, first of all, David, let's put this in perspective. As I said, this is a response to a very offensive video. It's not the first time that American facilities have come under attack in the Middle East, going back to 1982 in Beirut, going back to the Cold War towers in Saudi Arabia or even the attack on our embassy in 2008 in Yemen.

(CROSSTALK)

GREGORY: Or Iran in 1979.

RICE: This has -- this has happened in the past. But there are -- and so I don't think that -- that we should misunderstand what this is. The reason we provide aid in Egypt and in Libya is because it serves American interests. Because --

(CROSSTALK)

GREGORY: But our Americans are not being served if this is the response.

RICE: It serves our interests to have Egypt willing and able to -- to maintain its peace treaty with Israel, it serves our interest for Egypt to continue to be a strong partner. Now, let's be clear, the government -- once President Obama called President Morsi, immediately in Egypt, the security forces came out and have provided very significant protection.

Same in Tunisia, same in Libya, same in Yemen and all of these leaders have very forcefully conveyed their condemnation of what has transpired.

(CROSSTALK)

GREGORY: But there were conflicting messages from the Morsi government. In Arabic, they encourage protest; in English they said stop the protest. This from an ally that we give over a billion dollars?

RICE: What has happened in fact, is that the Egyptian government has come out and protected our facilities. Our embassy is open today. Things are calm. And Morsi has repeatedly been clear in his condemnation of what has occurred. We -- we are in these partnerships, David, over the long-term. We think that despite this very bumpy path we're on and the very disturbing images we've seen, it's in the United States fundamental interest that people have the ability to choose their own governments, that these governments be democratic and free.

That's in our long-term best interest. We need to reinforce that with our assistance.

(CROSSTALK)

GREGORY: You that this is -- we are in the middle of a heated presidential campaign. There are different foreign policy visions. That's why we wanted to dedicate the hour to this today to really understand these different views.

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Mitt Romney spoke out this week. He criticized the administration, talked about whether the United States was apologizing for some of the initial response to this. These were his comments this week.

(BEGIN VIDEO CLIP)

ROMNEY: The administration was wrong to stand by a statement sympathizing with those who had breached our embassy in Egypt instead of condemning their actions. I think it's a -- a -- a terrible course to -- for America to -- to stand in apology for our values.

(END VIDEO CLIP)

GREGORY: Our embassies did not stand up for free speech in this initial response to this violence. And the Republican charge is that it's weakness on the part of this administration that invites this kind of chaos that the administration has not been tough enough on radical extremists that are beginning to take root in these countries. How do you respond to that?

RICE: First of all, I think the American people and certainly our diplomats and development experts who are putting their lives on the line around the world everyday expect from our leadership unity in times of challenge. And strong, steady, steadfast leadership of the sort that President Obama has been providing.

With respect to this, I think, vacuous charge of weakness, let's -- let's recall. I think the American people fully understand that this is an administration led by a president who said when he ran for office that he would take the fight to al Qaeda. We have decimated al Qaeda. Osama bin Laden is dead. He said we would end the war responsibly in Iraq. We've done that. He has restored relationships around the world.

I spend every day up at the United Nations where I have to interact with 192 other countries. I know how well the United States is viewed. I know that our standing is much improved. And it's translated into important support for strong American positions, for example --

(CROSSTALK)

GREGORY: Was it inappropriate for Governor Romney to level the criticism he leveled?

RICE: I'm not going to get into politics, David. That's not my role in this job. But I think the American people welcome and appreciate strong, steady, unified leadership, bipartisan, in times of challenge. And for those men and women in our diplomatic service, including those we tragically lost, they look to our leadership to be unified and responsible.

GREGORY: Let's talk about another area where the administration is on the defensive in terms of leadership in the world and that is the nuclear threat from Iran, another area of tension between the United States and Israel. In just a couple of minutes, we will show our interview with the Prime Minister of Israel, Benjamin Netanyahu. And our viewer will see that.

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One aspect is how close Iran is getting to becoming a nuclear power. I asked him about that, I want to show you a piece of the interview and get your reaction to it.

(BEGIN VIDEO CLIP)

NETANYAHU: I can tell you, David, that Iran has been placed with some clear red lines on a few matters and they've avoided crossing them. So I think that as they get closer and closer and closer to the achievement of weapons-grade material, and they are very close, they are six months away from being about 90 percent of having the enriched uranium for an atom bomb, I think that you have to place that red line before them now, before it's -- it's too late.

GREGORY: As the Prime Minister of Israel, has Iran crossed your red line?

NETANYAHU: Well, the way I would say it, David, is they are in the red zone. You know, they are in the last 20 yards. And you can't let them cross that goal line. You can't let them score a touchdown, because that would have unbelievable consequences, grievous consequences, for the peace and security of us all -- of the world really.

(END VIDEO CLIP)

GREGORY: What is President Obama's line in the sand, the point at which he says to Iran don't cross this with your nuclear program or there's going to be a military consequence?

RICE: David, the President has been very, very clear. Our bottom line, if you want to call it a red line, the President's bottom line has been that Iran will not acquire a nuclear weapon. And we will take no option off the table to ensure that it does not acquire a nuclear weapon, including the military option.

(CROSSTALK)

GREGORY: The Prime Minister says they are acquiring it.

(CROSSTALK)

RICE: But -- he is talking about a red zone in which in this concept --

(CROSSTALK)

GREGORY: No, no but he's talking about how close they are to actually becoming a nuclear power. Having the development capacity to become a nuclear power.

RICE: They are not there yet. They are not there yet and our assessment is and we share this regularly with our Israeli counterparts in the intelligence and defense community, that there is time and space for the pressure we are mounting, which is unprecedented in terms of sanctions, to still yield results. This is not imminent. The window is not infinite.

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But let's be clear. The sanctions that are now in place reached their high point in July. The Iranian economy is suffering. It's shrinking for the first time. Negative one percent growth. The amount of production of Iranian oil has dropped 40 percent over the last several months. Their currency has plummeted 40 percent over the last several months. This pressure is even to use the Iranian's own words "crippling".

(CROSSTALK)

GREGORY: But can you say that President Obama's strategy to keep Iran from acquiring a nuclear weapon almost at the end of his first term is succeeding or failing?

RICE: David, what is clear is Iran does not have a nuclear weapon. And that Iran is more isolated than ever internationally. The economic pressure it is facing is much greater than ever. When President Obama came to office, the international community was divided about Iran. And Iran was internally very united. The exact opposite is the case today.

The international community is united. We just had another strong resolution out of the IAEA board of governors. And the internal dynamics in Iran are fracturing and the leadership is dividing.

We are committed, and President Obama is committed, to preventing Iran from acquiring a nuclear weapon. It is not a policy of containment.

But, David, the most difficult and profound decision that any president has to make is the decision to go to war. And this President is committed to exhausting pressure, economic pressure, and diplomacy, while there is still time, before making a decision of such consequence.

GREGORY: Ambassador Rice, the debate continues. Thank you very much for your views this morning.

RICE: Thank you.

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FOX News- Sunday

WALLACE: And hello again from FOX News in Washington.

We'll talk with Ambassador Rice and Chairman Rogers in a moment. But, first, here is the latest on the situation overseas:

Protesters have attacked U.S. targets in more than 20 nations. Citing concerns over security, the State Department ordered all nonessential U.S. government personnel to leave Sudan and Tunisia. And in Benghazi, Libya, there are reports of more arrests in the attack that killed four Americans, including Ambassador Chris Stevens.

For more on the continuing unrest, let's bring in correspondent Leland Vittert, who is in Cairo, Egypt -- Leland.

(BEGIN VIDEOTAPE)

LELAND VITTERT, FOX NEWS CORRESPONDENT: In cities across the Middle East, there is now a tense calm that has taken over here in Cairo. Hundreds if not thousands of riot police ready on standby in case violence breaks out, once again. For four days, it was a pitched fight between protesters on the street throwing Molotov cocktails and hurling rocks and then police firing back with rubber bullets and tear gas.

The protesters carrying posters of Osama bin Laden and chanting, "Obama, Obama, we are all Osama."

In Tunis, Tunisia, U.S. citizens have been advised to evacuate the country and/or not travel to Tunisia after violence swept there that killed four people when protesters stormed the U.S. embassy.

The government of Sudan, we're hearing, has denied entry to a Marine Special Operations team that was deemed sent to secure the U.S. embassy after a local sheikh called for mass protests in that country which resulted in thousands storming the embassy and security forces opening fire to try and push back the protesters.

Al Qaeda in the Arabian Peninsula has issued a communique urging more attacks. And here in Cairo, local media reports, there was a credible threat against the U.S. embassy here. Security is at an unprecedented level, with 15-foot tall concrete

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barriers erected on every one of the entranceways down to the U.S. embassy compound. We took a walk around earlier and outside the barricades, the protesters made their message clear, spray-painted in English "USA go to hell."

Chris, back to you.

(END VIDEOTAPE)

WALLACE: Leland Vittert reporting from Cairo -- Leland, thanks for that.

Joining us now our ambassador to the United Nations, Susan Rice.

Ambassador, welcome back to FOX NEWS SUNDAY.

RICE: Thank you.

WALLACE: This week, there have been anti-American protests in two dozen countries across the Islamic world. The White House says it has nothing to do with the president's policies.

Let's watch.

(BEGIN VIDEO CLIP)

JAY CARNEY, WHITE HOUSE PRESS SECRETARY: This is not a case of protests directed at the United States writ large or at U.S. policy. This is in response to a video that is offensive.

(END VIDEO CLIP)

WALLACE: You don't really believe that?

RICE: Chris, absolutely I believe that. In fact, it is the case. We had the evolution of the Arab spring over the last many months. But what sparked the recent violence was the airing on the Internet of a very hateful very offensive video that has offended many people around the world.

Now, our strong view is that there is no excuse for violence. It is absolutely reprehensible and never justified. But, in fact, there have been those in various parts of the world who have reacted with violence. Their governments have increasingly and effectively responded and protected our facilities and condemned the violence and this outrageous response to what is an offensive video. But there

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is no question that what we have seen in the past, with things like satanic verses, with the cartoon of the Prophet Muhammad, there have been -- such things that have sparked outrage and anger and this has been the proximate cause of what we've seen.

WALLACE: Now, it may have sparked it but you critics say that the outpouring of outrage against the U.S. has everything to do with the U.S. policies, that we are disengaging from that part of the world, that we pulled out of Iraq, we are pulling out of Afghanistan, that Iran is continuing on with its nuclear program. And they say, our critics, that our allies no longer trust us, and our enemies no longer fear us.

RICE: Well, Chris, that's just false. And let's be plain -- our partners and allies have responded effectively and promptly when we have asked them to protect our facilities and our people.

WALLACE: Well, let's -- it took three days in Cairo.

RICE: Well -- and what happened initially in Cairo was not sufficiently robust when President Obama picked up the phone and spoke to the President Morsi, right away things changed. And that's an evidence of our influence and our impact.

And what happened was that the authorities in Egypt have been very robust in protecting our facilities, not just in Cairo, but elsewhere in the country. President Morsi has issued repeated condemnations of the violent response and called for calm. And we have seen the same thing in Yemen, in Libya, in Tunisia and many other parts of the world.

WALLACE: Why are we asking all nongovernmental personnel to leave Sudan and Tunisia?

RICE: Well, first of all, we're not asking all non-governmental personnel.

WALLACE: All non-essential governmental personnel.

RICE: What we have done on a selective basis, where we assess that the security conditions necessitate is to temporarily have family members and non-essential personnel depart the country. That's something we do all over the world when security circumstances warrant. It's short-term, it's temporary and it's prudent.

And we do it, Chris, because we obviously prioritize. The president has been very clear his number one priority is the protection of American personnel and facilities.

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WALLACE: So do you think we're turning the corner here?

RICE: Well, Chris, I think, first of all, we have seen in the past outrage and unfortunately violent outrage which is condemnable and never justified. It may, indeed, occur in other circumstances. There is no predicting exactly what the trajectory of this is. Obviously, the last couple of days have been some what better. But we are vigilant and we are of the view that is not an expression of hospitality in the broadest sense towards the United States or U.S. policy. It's approximately a reaction to this video and it's a hateful video that had nothing to do with the United States and which we find disgusting and reprehensible.

WALLACE: You talk about our influence and impact in the region. Our closest ally in the region, Israel, clearly doesn't feel that we are supporting them when it comes to confronting Iran. In fact, this past week, Prime Minister Netanyahu blasted the U.S. for its failure to set the same red lines as he has in terms of stopping Iran's nuclear program.

Let's watch what the prime minister said.

(BEGIN VIDEO CLIP)

BENJAMIN NETANYAHU, ISRAELI PRIME MINISTER: The world tells Israel, wait, there is still time. And I say, wait for what? Wait until when?

Those in the international community who refuse to put red lines before Iran don't have a moral right to place a red line in Jerusalem.

(END VIDEO CLIP)

WALLACE: And when Netanyahu requested a meeting the president, said he was too busy to meet with him.

RICE: Let me address --

WALLACE: Let me ask a question, if I may.

RICE: I thought you had. I'm sorry.

WALLACE: Well, no, I haven't. They'll be a question mark at the end.

Is that how we treat our best friend in the region?

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RICE: Well, let me answer that question in three parts. First of all, the overall relationship with Israel. As Prime Minister Netanyahu and Defense Minister Barak have repeatedly said, the intelligence and security relationship between the United States and Israel at present is unprecedented. It has never been stronger. That's -- those are their words.

So, that's the overall nature of our relationship, very strong -- stronger than ever.

Secondly, with respect to Iran. The United States, President Obama has been absolutely crystal clear that the United States will not allow Iran to acquire a nuclear weapon and we will do what it takes to prevent that from happening. All options remain on the table. The president has been very clear about that and that includes the military option. This is not a policy of containment, Chris. As the president has repeatedly said, it's a policy to prevent Iran from acquiring a nuclear weapon. That is the bottom line or as the prime minister prefers to call it, a red line. That's the bottom line.

Now, we have also said and I think we are in constant communication with Israeli security and intelligence and policy officials that we still think that there is team through economic pressure which is unprecedented as well. Iran's economy is now shrinking by 1 percent a year. Its oil production is down 40 percent. Its currency has plummeted 40 percent just in the last several months as sanctions have gone into fullest effect.

We think there is still time and space for that pressure to yield a result. The bottom line, Chris, is the only way to permanently end Iran's nuclear program is if it decides to give that program up.

RICE: Now, the most solemn decision that a president can ever take is a decision to go to war. And President Obama's view is we will do what it takes it. But before we resort to the use of force, let us be sure we have exhausted other means including sanctions, pressure and diplomacy to ensure that Iran fully and finally gives up its nuclear weapons.

WALLACE: Let's talk in the time we have left about the --

RICE: You asked about the visit --

WALLACE: We have limited time. I'm happy -- if you want to go along, I'm happy to as well.

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RICE: I don't want to leave that hanging. That was the third point I wanted to address.

As you know, the president is coming up to the General Assembly in New York at the United Nations. He'll be there in the beginning of the week, Monday and Tuesday. Prime Minister Netanyahu is coming toward the end of the week. Their schedules don't match. There is no opportunity for them to meet in the U.S.

WALLACE: The prime minister would be willing I'm sure to go. And in fact there are suggestions from the Israelis to go to Washington.

RICE: Well, the prime minister hasn't asked for a meeting in Washington, Chris.

(CROSSTALK)

WALLACE: If you watched what he just said, he said that countries that don't set red lines don't have the moral authority to put red lines on Israel. That doesn't sound like a happy ally, Ambassador.

RICE: Well, first of all, we are close partners and friends and always will be. That is an enduring aspect of the U.S.-Israeli relationship.

WALLACE: Why did the president call Prime Minister Netanyahu in the middle of the night and talk for an hour?

RICE: Precisely because they are friends, and when friends need to say something to each other, they pick up the phone and talk and they talked for an hour. It was a good conversation and it's in the nature of our relationship that these two partners speak to one another regularly.

We have no daylight between us on the issue of preventing Iran from acquiring a nuclear weapon. That is our clear bottom line and the president could not be any plainer about it.

WALLACE: Let's talk about the attack on the U.S. consulate in Benghazi this week that killed four Americans, including Ambassador Chris Stevens.

The top Libyan official says that the attack on Tuesday was, quote, his words "preplanned". Al Qaeda says the operation was revenge for our killing a top al Qaeda leader.

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What do we know?

RICE: Well, first of all, Chris, we are obviously investigating this very closely. The FBI has a lead in this investigation. The information, the best information and the best assessment we have today is that in fact this was not a preplanned, premeditated attack. That what happened initially was that it was a spontaneous reaction to what had just transpired in Cairo as a consequence of the video. People gathered outside the embassy and then it grew very violent and those with extremist ties joined the fray and came with heavy weapons, which unfortunately are quite common in post-revolutionary Libya and that then spun out of control.

But we don't see at this point signs this was a coordinated plan, premeditated attack. Obviously, we will wait for the results of the investigation and we don't want to jump to conclusions before then. But I do think it's important for the American people to know our best current assessment.

WALLACE: All right. And the last question, terror cells in Benghazi had carried out five attacks since April, including one at the same consulate, a bombing at the same consulate in June. Should U.S. security have been tighter at that consulate given the history of terror activity in Benghazi?

RICE: Well, we obviously did have a strong security presence. And, unfortunately, two of the four Americans who died in Benghazi were there to provide security. But it wasn't sufficient in the circumstances to prevent the overrun of the consulate. This is among the things that will be looked at as the investigation unfolds and it's also why --

WALLACE: Is there any feeling that it should have been stronger beforehand?

RICE: It's also why we increased our presence, our security presence in Tripoli in the aftermath of this, as well as in other parts of the world. I can't judge that, Chris. I'm -- we have to see what the assessment reveals.

But, obviously, there was a significant security presence defending our consulate and our other facility in Benghazi and that did not prove sufficient to the moment.

WALLACE: Ambassador Rice, we thank you so much for coming in today and discussing the fast-moving developments in that part of the world. Thanks so much.

RICE: Thank you for having me.

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WALLACE: Up next, the head of the House Intelligence Committee, Mike Rogers, with the latest on who was behind that deadly attack on our diplomats.

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CNN- State of the Union

(COMMERCIAL BREAK)

CROWLEY: In his second inaugural address, President Bush said the U.S. would seek out and promote democracy around the globe.

(BEGIN VIDEO CLIP)

GEORGE W. BUSH, 43RD PRESIDENT OF THE UNITED STATES: The survival of liberty in our land increasingly depends on the success of liberty in other lands. (APPLAUSE)

BUSH: The best hope for peace in our world is the expansion of freedom in all the world.

(END VIDEO CLIP)

CROWLEY: In Cairo, four years later, President Obama reached out the Muslim world with a new version of the same idea.

(BEGIN VIDEO CLIP)

BARACK OBAMA, PRESIDENT OF THE UNITED STATES: I know there has been controversy about the promotion of democracy in recent years. And much of this controversy is connected to the war in Iraq. So let me be clear, no system of government can or should be imposed by one nation, by any other.

That does not lessen my commitment, however, to governments that reflect the will of the people.

(END VIDEO CLIP)

CROWLEY: And then early last year uprisings on the Arab streets toppled longstanding autocratic regimes in Tunisia, Egypt, and Libya with the explicit yet sometimes delayed support of the West.

This week in at least 23 countries around the world the people returned to the streets to protest, sometimes violently, sometimes not, outside U.S. embassies. How, why, and what turned the Arab Spring into this autumn rage against the West. U.S. Ambassador to the U.N. Susan Rice is next.

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(COMMERCIAL BREAK)

CROWLEY: Joining me is the U.S. ambassador to the United Nations, Susan Rice.

Madam Ambassador, thank you for joining us.

RICE: Good to be with you, Candy.

CROWLEY: One of the things when I spoke with the Israeli prime minister that struck me was the conviction that he has that for certain Iran is building -- on its way to building a nuclear weapon, and his sense of urgency that at this moment the U.S. needs to set what he calls a "red line" for the U.S.

Does the U.S. share the conviction that Iran is, indeed, building a nuclear weapon? And, B, what about the concept of a red line?

RICE: Well, Candy, the United States is in constant communication with Israel and Israeli intelligence, Israeli policy makers, the military. We're sharing our assessments every day. And our assessments, our intelligence assessments are very similar. Obviously, we share a grave concern about Iran pursuing a nuclear weapon. We are determined to prevent that from happening. President Obama has been absolutely clear, and on this there's absolutely no daylight between the United States and Israel that we will do what it takes to prevent Iran from acquiring a nuclear weapon.

We are not at that stage yet. They do not have a nuclear weapon. Our shared intelligence assessments is that there is still a considerable time and space before they will have a nuclear weapon should they make the decision to go for that. But we've been very clear. The United States is not interested and is not pursuing a policy of containment. President Obama has been very plain. We will keep all option on the table, including the military option, as necessary, to prevent Iran from acquiring a nuclear weapon.

But, Candy, the fact is we have just seen the imposition of another layer of the toughest sanctions that have ever been impose odd a country. In this case, Iran. Their economy is beginning to buckle. Their oil production is down 40 percent. Their currency has plummeted 40 percent in the last year. Their economy is now shrinking. And this is only going to intensify.

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So we think that there's still considerable time for this pressure to work. But this is not an infinite window. And we've made very clear that the president's bottom line is Iran will not have a nuclear weapon.

CROWLEY: Let me move you to what's gone on in the Middle East in Arab countries and elsewhere. There is a "New York Times" story this morning that suggests that the administration thinks this is a foreshadowing of a fall that will see sustained instability. Does the administration expect to see these sorts of protests outside U.S. embassies and elsewhere throughout the fall?

RICE: Well, Candy, first of all, let's recall what has happened in the last several days. There was a hateful video that was disseminated on the internet. It had nothing to do with the United States government and it's one that we find disgusting and reprehensible. It's been offensive to many, many people around the world.

That sparked violence in various parts of the world, including violence directed against western facilities including our embassies and consulates. That violence is absolutely unacceptable, it's not a response that one can ever condone when it comes to such a video. And we have been working very closely and, indeed, effectively with the governments in the region and around the world to secure our personnel, secure our embassy, condemn the violent response to this video.

And, frankly, we've seen these sorts of incidents in the past. We've seen violent responses to "Satanic Verses." We've seen violent responses to the cartoons depicting the Prophet Mohammed in an evil way. So this is something we've seen in the past, and we expect that it's possible that these kinds of things could percolate into the future. What we're focused on is securing our personnel, securing our facilities.

CROWLEY: Do you at this moment feel that U.S. embassies abroad are secure?

RICE: We are doing our utmost to secure our facilities and our personnel and in various vulnerable places. We have demanded and we are receiving the cooperation of host governments. Host governments have also put out very strong messages in Libya, in Egypt, in Yemen and Tunisia condemning violence, saying that it's a completely unacceptable response to such a video. And we feel that we are now in a position doing the maximum that we can to protect our people.

CROWLEY: Why would one not look at what is going on in the Middle East now and say that the president's outreach to Muslims, which began at the beginning of

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his administration in Cairo and elsewhere has not worked because, yes, this video sparked it, but there is an underlying anti-Americanism that is very evident on the streets. So Why not look at it and think that this is this outreach has failed?

RICE: For the same reason, Candy, when you look back at history and we had the horrible experience of our facilities and our personnel being attacked Beirut in 1981, we had the attack on Khobar Towers in the 1990s. We had an attack on our embassy in Yemen in 2008. There have been such attacks. There have been expressions of hostility towards the west.

CROWLEY: But this was sort of a reset, was it not? It was supposed to be a reset of U.S.-Muslim relations?

RICE: And indeed, in fact, there had been substantial improvements. I have been to Libya and walked the streets of Benghazi myself. And despite what we saw in that horrific incident where some mob was hijacked ultimately by a handful of extremists, the United States is extremely popular in Libya and the outpouring of sympathy and support for Ambassador Stevens and his colleagues from the government, from people is evidence of that.

The fact is, Candy, that this is a turbulent time. It's a time of dramatic change. It's a change that the United States has backed because we understand that when democracy takes root, when human rights and people's freedom of expression can be manifested, it may lead to turbulence in the short-term, but over the long-term, that is in the interest of the United States.

The mobs we've seen on the outside of these embassies are small minority. They're the ones who have largely lost in these emerging democratic processes, and just as the people of these countries are not going to allow their lives to be hijacked by a dictator, they're not going to allow an extremist mob to hijack their future and their freedom,. And we're going to continue to stand with the vast majority of the populations in these countries.

They want freedom. They want a better future. And understand that we're with them in that long-term endeavor.

CROWLEY: All right. U.S. ambassador to the U.N., Susan Rice. I got to let you go here.

RICE: Thank you. Thank you very much.

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EXHIBIT 7

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From: Shawn.Turner[redacted]
Sent: Thursday, September 13, 2012 8:48 PM
To: Sullivan, Jacob J <SullivanJJ@state.gov>; Bernadette_M_Meehan[redacted] NSC Deputy Press Secretary <Thomas_F._Vietor[redacted]; Nuland, Victoria J <nulandvj@state.gov>; Benjamin_J._Rhodes[redacted] Reines, Philippe I <reinesp@state.gov>; [redacted]
Subject: Re: (No Subject)

Our on the record response is:

"This is absolutely wrong. We are not aware of any actionable intelligence indicating that an attack on the U.S. Post in Benghazi was planned or imminent."

From: Sullivan, Jacob J [mailto:SullivanJJ@state.gov]
Sent: Thursday, September 13, 2012 08:42 PM
To: Meehan, Bernadette <[redacted]>; Shawn S Turner; NSC Deputy Press Secretary <Thomas_F._Vietor[redacted]; Nuland, Victoria J <nulandvj@state.gov>; Rhodes, Benjamin J. <Benjamin_J._Rhodes[redacted]; Reines, Philippe I <reinesp@state.gov>; [redacted]
Subject: RE: (No Subject)

Would call it a post. It was not a consulate.

From: Meehan, Bernadette [mailto:[redacted]]
Sent: Thursday, September 13, 2012 8:36 PM
To: 'Shawn.Turner[redacted] NSC Deputy Press Secretary; Nuland, Victoria J; Sullivan, Jacob J; Rhodes, Benjamin J.; Reines, Philippe I; [redacted]
Subject: RE: (No Subject)

Fishman notes that it was not an official Consulate, but a mission. State can confirm that is the case, but we should be consistent in how we refer to it.

From: Shawn.Turner[redacted]
Sent: Thursday, September 13, 2012 8:33 PM
To: Vietor, Tommy; nulandvj@state.gov; SullivanJJ@state.gov; Rhodes, Benjamin J.; ReinesP@state.gov; Meehan, Bernadette; [redacted]
Subject: Re: (No Subject)

I'm good with the hedge.
I've used this on background but I'm fine with this being on the record. I'm confident that it's accurate.

From: Vietor, Tommy [mailto:[redacted]]
Sent: Thursday, September 13, 2012 08:28 PM
To: Shawn S Turner; 'nulandvj@state.gov' <nulandvj@state.gov>; 'SullivanJJ@state.gov' <SullivanJJ@state.gov>; Rhodes, Benjamin J. <[redacted]>; 'ReinesP@state.gov' <ReinesP@state.gov>; Meehan, Bernadette <[redacted]>; [redacted]
Subject: RE: (No Subject)

Shawn what if add a tiny hedge allowing te possibility that some liaison service somewhere was sitting on something:

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"This is absolutely wrong. WE ARE AWARE OF no actionable intelligence indicating that an attack on the consulate in Benghazi was planned or imminent."

Do you want to do this on the record? Background?

-----Original Message-----
From: Shawn.Turner/[redacted]
Sent: Thursday, September 13, 2012 08:12 PM Eastern Standard Time
To: Vietor, Tommy; nulandvj@state.gov; SullivanJJ@state.gov; Rhodes, Benjamin J.; ReinesP@state.gov; Meehan, Bernadette; [redacted]
Subject: Re: (No Subject)

This is absolutely wrong. There's was no actionable intelligence indicating that an attack on the consulate in Benghazi was planned or imminent.

From: Vietor, Tommy [mailto:[redacted]
Sent: Thursday, September 13, 2012 08:05 PM
To: 'Victoria Nuland' <nulandvj@state.gov>; 'Jake Sullivan' <SullivanJJ@state.gov>; Rhodes, Benjamin J. <[redacted]>; 'Philippe Reines' <ReinesP@state.gov>; Meehan, Bernadette <[redacted]>; [redacted] Shawn S Turner
Subject: FW: (No Subject)

I've asked me folks to send me the strongest possible on the record response. We gotta push back very hard on this factually if, as I suspect, its totally wrong

-----Original Message-----
From: Mike Allen [mallen@politico.com]
Sent: Thursday, September 13, 2012 07:52 PM Eastern Standard Time
To: Vietor, Tommy
Subject:

http://www.independent.co.uk/news/world/politics/revealed-inside-story-of-us-envoys-assassination-8135797.html?printService=print
Revealed: inside story of US envoy's assassination

Exclusive: America 'was warned of embassy attack but did nothing'

Kim Sengupta

Friday, 14 September 2012
The killings of the US ambassador to Libya and three of his staff were likely to have been the result of a serious and continuing security breach, The Independent can reveal.

American officials believe the attack was planned, but Chris Stevens had been back in the country only a short while and the details of his visit to Benghazi, where he and his staff died, were meant to be confidential.

The US administration is now facing a crisis in Libya. Sensitive documents have gone missing from the consulate in Benghazi and the supposedly secret location of the "safe house" in the city, where the staff had retreated, came under

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sustained mortar attack. Other such refuges across the country are no longer deemed "safe".

Some of the missing papers from the consulate are said to list names of Libyans who are working with Americans, putting them potentially at risk from extremist groups, while some of the other documents are said to relate to oil contracts.

According to senior diplomatic sources, the US State Department had credible information 48 hours before mobs charged the consulate in Benghazi, and the embassy in Cairo, that American missions may be targeted, but no warnings were given for diplomats to go on high alert and "lockdown", under which movement is severely restricted.

Mr Stevens had been on a visit to Germany, Austria and Sweden and had just returned to Libya when the Benghazi trip took place with the US embassy's security staff deciding that the trip could be undertaken safely.

Eight Americans, some from the military, were wounded in the attack which claimed the lives of Mr Stevens, Sean Smith, an information officer, and two US Marines. All staff from Benghazi have now been moved to the capital, Tripoli, and those whose work is deemed to be non-essential may be flown out of Libya.

In the meantime a Marine Corps FAST Anti-Terrorism Reaction Team has already arrived in the country from a base in Spain and other personnel are believed to be on the way. Additional units have been put on standby to move to other states where their presence may be needed in the outbreak of anti-American fury triggered by publicity about a film which demeaned the Prophet Mohamed.

A mob of several hundred stormed the US embassy in the Yemeni capital Sanaa yesterday. Other missions which have been put on special alert include almost all those in the Middle East, as well as in Pakistan, Afghanistan, Armenia, Burundi and Zambia.

Senior officials are increasingly convinced, however, that the ferocious nature of the Benghazi attack, in which rocket-propelled grenades were used, indicated it was not the result of spontaneous anger due to the video, called Innocence of Muslims. Patrick Kennedy, Under-Secretary at the State Department, said he was convinced the assault was planned due to its extensive nature and the proliferation of weapons.

There is growing belief that the attack was in revenge for the killing in a drone strike in Pakistan of Mohammed Hassan Qaed, an al-Qa'ida operative who was, as his nom-de-guerre Abu Yahya al-Libi suggests, from Libya, and timed for the anniversary of the 11 September attacks.

Senator Bill Nelson, a member of the Senate Intelligence Committee, said: "I am asking my colleagues on the committee to immediately investigate what role al-Qa'ida or its affiliates may have played in the attack and to take appropriate action."

According to security sources the consulate had been given a "health check" in preparation for any violence connected to the 9/11 anniversary. In the event, the perimeter was breached within 15 minutes of an angry crowd starting to attack it at around 10pm on Tuesday night. There was, according to witnesses, little defence put up by the 30 or more local guards meant to protect the staff. Ali Fetori, a 59-year-old accountant who lives near by, said: "The security people just all ran away and the people in charge were the young men with guns and bombs."

Wissam Buhmeid, the commander of the Tripoli government-sanctioned Libya's Shield Brigade, effectively a police force for Benghazi, maintained that it was anger over the Mohamed video which made the guards abandon their post. "There were definitely people from the security forces who let the attack happen because they were themselves offended by the film; they would absolutely put their loyalty to the Prophet over the consulate. The deaths are all nothing compared to insulting the Prophet."

Mr Stevens, it is believed, was left in the building by the rest of the staff after they failed to find him in dense smoke caused by a blaze which had engulfed the building. He was discovered lying unconscious by local people and taken to a hospital, the Benghazi Medical Centre, where, according to a doctor, Ziad Abu Ziad, he died from smoke inhalation.

An eight-strong American rescue team was sent from Tripoli and taken by troops under Captain Fathi al- Obeidi, of the February 17 Brigade, to the secret safe house to extract around 40 US staff. The building then came under fire from heavy weapons. "I don't know how they found the place to carry out the attack. It was planned, the accuracy with which the mortars hit us was too good for any ordinary revolutionaries," said Captain Obeidi. "It began to rain down on us, about six mortars fell directly on the path to the villa."

Libyan reinforcements eventually arrived, and the attack ended. News had arrived of Mr Stevens, and his body was picked up from the hospital and taken back to Tripoli with the other dead and the survivors.

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Mr Stevens' mother, Mary Commanday, spoke of her son yesterday. "He did love what he did, and he did a very good job with it. He could have done a lot of other things, but this was his passion. I have a hole in my heart," she said.

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EXHIBIT 8

CIA OPA

From: CIA OPA
Sent: Friday, September 14, 2012 5:09 PM
To: Vietor, Tommy; Rhodes, Benjamin J.; NSS Press
Cc: CIA OPA; Shawn S Turner
Subject: Revised HPSCI Talking Points for Review

Colleagues:

Apologies for the delay.

Please review this revised version:

HPSCI White Paper Talking Points for Use with the Media
14 September 2012

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we warned of social media reports calling for a demonstration in front of the Embassy and that jihadists were threatening to break into the Embassy.

- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is on-going as to who is responsible for the violence. That being said, we do know that Islamic extremists participated in the violent demonstrations.

- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.

- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.

- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.

- The US Government is working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

Thanks,

CIA OPA
Chief, Media Relations

EXHIBIT 9

113th Congress
2d Session

SENATE

S. Report
113–134

REPORT

of the

U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE

REVIEW

of the

TERRORIST ATTACKS ON U.S. FACILITIES IN BENGHAZI, LIBYA, SEPTEMBER 11–12, 2012

together with

ADDITIONAL VIEWS

January 15, 2014.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 2014

APPENDIX I: The Benghazi Talking Points

On September 15, 2012, the CIA provided the HPSCI and the SSCI with unclassified talking points for Members' use in media and public statements regarding the September 11, 2012, terrorist attacks in Benghazi, Libya. The talking points were requested by the HPSCI during a meeting with then-CIA Director Petraeus on Friday, September 14, 2012. As made clear by 100 pages of emails released by the Obama Administration on May 15, 2013,[136] the talking points were then also provided to U.S. Ambassador to the UN, Susan Rice, in her appearances on several television talk shows on Sunday, September 16, 2012. The contents of the talking points and Rice's comments in her public appearances generated significant controversy, including in Congress. As discussed in more detail below, the SSCI devoted considerable staff time and held three closed briefings for Members to address the Benghazi talking points issue.

The final, unclassified version of the CIA talking points, as provided to HPSCI on September 15, 2012, read as follows:

> **—The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations.**
>
> **—This assessment may change as additional information is collected and analyzed as currently available information continues to be evaluated.**
>
> **—The investigation is ongoing and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths of US citizens.**

[136] ABC News, "White House Benghazi Emails," accessed December 3, 2013, http://abcnews.go.com/images/Politics/white-house-benghazi-emails.pdf

[redacted]

SSCI Actions to Review the Talking Points

The SSCI conducted two closed, on-the-record sessions and one unrecorded session regarding the Benghazi talking points with the General Counsel of the ODNI, Robert Litt. Two similar on-the-record sessions occurred on January 3, 2013, the first with Litt and Chairman Feinstein and the second with Litt and Vice Chairman Chambliss, due to scheduling conflicts. Limited IC and SSCI staff were present at each session, but the transcript was made available to all SSCI members and staff. During the January 3 sessions, Litt went through the evolution of what he said were eleven different drafts of the talking points, starting on September 14 through the final version on September 15, 2012. He provided a summary document he created showing the changes made to each draft, without email time stamps and sender/recipient information because the Administration, claiming privilege, would not provide the Committee the opportunity to look at the actual emails. Members were not allowed to keep that handout, but staff were allowed to take notes.

A third Members-only session with Litt, which was not recorded, took place on February 26, 2013. During that session, Litt shared with Members copies of nearly 100 pages of emails associated with the interagency coordination process that took place in drafting the talking points. (Redacted versions of these emails were then made public by the Administration on May 15, 2013.) Litt also shared details about which individuals or agencies made changes to the points, when those changes occurred, and the nature of the changes. Members had to return the copies of the emails to Litt at the end of the briefing. Staff access to this briefing was strictly limited to both the Majority and Minority Staff Directors plus one additional staffer per side.

Members also asked questions about the talking points in open and closed hearings of the SSCI on multiple occasions, and staff submitted several formal questions for the record and informal inquiries to the IC about the issue. In some cases, the testimony of senior IC officials about the talking points was poorly informed or confusing, creating further uncertainty among Members and staff. Chairman Feinstein and Vice Chairman Chambliss also wrote to the DNI on two occasions—December 4, 2012, and January 30, 2013—specifically requesting full documentation on the changes made to the talking points.

[redacted]

This Committee faced significant resistance from the Administration in getting access to the emails and documentation that Mr. Litt ultimately provided on February 26, 2013, and that were then made public—in redacted form—on May 15, 2013. This resistance was apparently based, in part, on Executive branch concerns related to executive privilege and the deliberative process which appeared to evaporate when the emails were made public. However, it also served to exacerbate the controversy surrounding the talking points, prolonged media and public speculation, and raised questions of trust of the IC as Members attempted to extract information. This matter could have been mitigated much sooner if the Executive branch had promptly provided the email documentation that was ultimately given to SSCI on February 26th and made public on May 15th.

Analysis of the Talking Points

Below is the timeline of the twelve changes to the CIA talking points, as assembled from the 100 pages of emails made public by the Administration on May 15, 2013.[137] The timeline is in 12-point font to facilitate comparison to the publicly available summary document about the creation of the CIA talking points, which was created by Robert Litt.[138]

1) Fri., Sept. 14th 2012, 11:15 a.m.—written by Director, CIA Office of Terrorism Analysis

- We believe based on currently available information that the attacks in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. That being said, we do know that Islamic extremists with ties to al-Qa'ida participated in the attack.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that the [sic] its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's facebook page aims to spread *sharia* in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.

[137] Emails on CIA Talking Points, accessed December 5, 2013, http://abcnews.go.com/images/Politics/white-house-benghazi-emails.pdf
[138] ABC News, "CIA Benghazi Talking Points Timeline," accessed December 5, 2013, http://abcnews.go.com/images/Politics/Benghazi%20Talking%20Points%20Timeline.pdf

- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- Since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- We are working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

2) 12:23 p.m.—addition made by CIA's Office of General Counsel

- We believe based on currently available information that the attacks in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. That being said, we do know that Islamic extremists with ties to al-Qa'ida participated in the attack.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that the [sic] its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's facebook page aims to spread *sharia* in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- Since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack of the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- We are working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

3) 4:42 p.m.—edits made by CIA's (1) Office of Public Affairs & (2) Congressional Affairs

- The ~~We believe based on~~ currently available information suggests that the demonstrations ~~attacks~~ in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is

[redacted]

collected and analyzed and currently available information continues to be evaluated. On 10 September we warned of social media reports calling for a demonstration in front of the Embassy and that jihadists were threatening to break into the Embassy.

- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is on-going as to who is responsible. That being said, we do know that Islamic extremists ~~with ties to al-Qa'ida~~ participated in the ~~attack~~ violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that ~~the~~ its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- The US Government is ~~We are~~ working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

4) 5:09 p.m.—edits made by CIA Deputy Director Mike Morell before being sent outside CIA for first time

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we warned of social media reports calling for a demonstration in front of the Embassy and that jihadists were threatening to break into the Embassy.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is on-going as to who is responsible for the violence. That being said, we do know that Islamic extremists participated in the violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread sharia in Libya

[redacted]

and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.

- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- The US Government is working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

5) 6:21 p.m.—edit made by Tommy Vietor, Spokesman for the National Security Staff

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we warned of social media reports calling for a demonstration in front of Embassy Cairo and that jihadists were threatening to break into the Embassy.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is on-going as to who is responsible for the violence. That being said, we do know that Islamic extremists participated in the violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.

[redacted]

- The US Government is working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

6) 6:41 p.m.—edits made by Shawn Turner, ODNI Spokesman

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we notified Embassy Cairo ~~warned~~ of social media reports calling for a demonstration and encouraging ~~in front of the Embassy Cairo and that~~ jihadists ~~were threatening~~ to break into the Embassy.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is on-going as to who is responsible for the violence. That being said, we do know that Islamic extremists participated in the violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- The US Government is working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

7) 6:52 p.m.—edits made by Tommy Vietor on behalf of Assistant to the President for Homeland Security and Counterterrorism, John Brennan

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we notified Embassy Cairo of

[redacted]

[redacted]

social media reports calling for a demonstration and encouraging jihadists to break into the Embassy.

- ~~The crowd almost certainly was a mix of individuals from across many sectors of Libyan society.~~ The investigation is on-going as to who is responsible for the violence, although the crowd almost certainly was a mix of individuals. ~~That being said,~~ We do know that Islamic extremists participated in the violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- The US Government is working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

8) 8:58 p.m.—first two edits suggested by FBI, all made by CIA's Office of Public Affairs

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September the Agency ~~we~~ notified Embassy Cairo of social media reports calling for a demonstration and encouraging jihadists to break into the Embassy.
- The investigation is on-going as to who is responsible for the violence, although the crowd almost certainly was a mix of individuals. That being said, there are indications ~~we do know~~ that Islamic extremists participated in the violent demonstrations.
- ~~Initial press presorting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.~~

[redacted]

[redacted]

- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. ~~These noted that,~~ Since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- The US Government is working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

9) Saturday, Sept. 15th 9:45 a.m.—edits made by CIA Deputy Director Mike Morell

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex.
- This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. ~~On 10 September the Agency notified Embassy Cairo of social media reports calling for a demonstration and encouraging jihadists to break into the Embassy.~~
- The investigation is on-going, and ~~as to who is responsible for the violence, although the crowd almost certainly was a mix of individuals. That being said, there are indications that Islamic extremists participated in the violent demonstrations.~~
- ~~The wide availability of weapons and experienced fighters in Libya almost certainly contribute to the lethality of the attacks.~~
- ~~The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. Since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.~~ the US Government is working with Libyan authorities ~~and intelligence partners in an effort~~ to ~~help~~ bring to justice those responsible for the deaths of US citizens.

10) 11:08 a.m.—edits made by CIA Deputy Director Mike Morell

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

[redacted]

- This assessment may change as additional information is collected and analyzed and as currently available information continues to be evaluated.
- The investigation is on-going, and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths US citizens.

11) 11:25 a.m.—edits made by Deputy National Security Adviser Ben Rhodes

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US diplomatic post in Benghazi ~~Consulate~~ and subsequently its annex. There are indications that extremists participated in the violent demonstrations.
- This assessment may change as additional information is collected and analyzed and as currently available information continues to be evaluated.
- The investigation is on-going, and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths US citizens.

12) 11:26 a.m.—edits made by State Department official Jake Sullivan

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations.
- This assessment may change as additional information is collected and analyzed and as currently available information continues to be evaluated.
- The investigation is on-going, and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths of US citizens.

EXHIBIT 10

From: [redacted]
Sent: Friday, September 14, 2012 3:04 PM
To: Victor, Tommy; Rhodes, Benjamin J.; [redacted]
Cc: [redacted]
Subject: HPSCI talking points for review.

Colleagues:

HPSCI has requested talking points from the DCIA for use with the media.

Please review the below and respond with your comments ASAP.

Thanks very much,

[redacted]
Chief, Media Relations
CIA Office of Public Affairs
[redacted]

HPSCI Talking Points for Use with the Media
14 September 2012

We believe based on currently available information that the attacks in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated.

- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. That being said, we do know that Islamic extremists with ties to al-Qa'ida participated in the attack.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- Since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- We are working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

CIA OPA

From: CIA OPA
Sent: Friday, September 14, 2012 5:09 PM
To: Victor, Tommy; Rhodes, Benjamin J.; NSS Press
Cc: CIA NSS; Shawn S Turner
Subject: Revised HPSCI Talking Points for Review

Colleagues:

Apologies for the delay.

Please review this revised version:

HPSCI White Paper Talking Points for Use with the Media
14 September 2012

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we warned of social media reports calling for a demonstration in front of the Embassy and that jihadists were threatening to break into the Embassy.

- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is on-going as to who is responsible for the violence. That being said, we do know that Islamic extremists participated in the violent demonstrations.

- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.

- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.

- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.

- The US Government is working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

Thanks,

CIA OPA
Chief, Media Relations

CIA OPA

From: Rhodes, Benjamin J. [Benjamin_J._Rhodes
Sent: Friday, September 14, 2012 9:34 PM
To: Vietor, Tommy; FBI Press; CIA OPA; 'NulandVJ; Shawn S Turner; CIA OPA; NSS Press, WH Press; State PA; 'SullivanJJ; 'AdamsDS;
Cc: FBI Press; CIA OCA
Subject: Re: Revised HPSCI Talking Points for Review

All -

Sorry to be late to this discussion. We need to resolve this in a way that respects all of the relevant equities, particularly the investigation.

There is a ton of wrong information getting out into the public domain from Congress and people who are not particularly informed. Insofar as we have firmed up assessments that don't compromise intel or the investigation, we need to have the capability to correct the record, as there are significant policy and messaging ramifications that would flow from a hardened mis-impression.

We can take this up tomorrow morning at deputies.

From: Vietor, Tommy
Sent: Friday, September 14, 2012 09:26 PM
To: FBI Press; CIA OPA; 'nulandvj; <nulandvj; 'Shawn.Turner; <Shawn.Turner; CIA OPA; Rhodes, Benjamin J.; NSS Press, WH Press; State PA; 'SullivanJJ; <SullivanJJ; 'AdamsDS; <AdamsDS; FBI Press; FBI Press; CIA OCA
Subject: RE: Revised HPSCI Talking Points for Review

Given the DOJ equities and States desire to run some traps, safe to assume we can hold on this until tomorrow?

-----Original Message-----
From: FBI Press
Sent: Friday, September 14, 2012 09:19 PM Eastern Standard Time
To: CIA OPA; 'nulandvj; Vietor, Tommy; 'Shawn.Turner; CIA OPA; Rhodes, Benjamin J.; NSS Press, WH Press, State PA; 'SullivanJJ; 'AdamsDS; FBI Press
Cc: CIA OCA
Subject: Re: Revised HPSCI Talking Points for Review

Just a question- but separate from the FBI concerns, has DOJ provided input? They will have to deal with the the prosecution and related legal matters surrounding the federal investigation.

JJ

UNCLASSIFIED

From: Rhodes, Benjamin J.
Date: 09/15/2012 11:12 AM

Subject: [AIN] RE:
To: 'michaejm[redacted] Robert.Cardillo[redacted] alanrp[redacted] matt.olsen[redacted] sullivanjj[redacted] mark.giuliano[redacted]
Cc: CIA OCA/OPA [redacted] FO CIA FO

Please respond to "Rhodes, Benjamin J."

CLASSIFICATION: UNCLASSIFIED

This is good by me.

-----Original Message-----
From: michaejm[redacted] [mailto:michaejm[redacted]
Sent: Saturday, September 15, 2012 11:08 AM
To: Robert.Cardillo[redacted] alanrp[redacted] matt.olsen[redacted] sullivanjj[redacted]; mark.giuliano[redacted]; Rhodes, Benjamin J.; jcinali[redacted] lisa.monaco[redacted]
Cc: CIA OCA/OPA CIA FO
Subject:

Per the discussion at Deputies, here are the revised TPs for HPSCI. Let me know what you think.

--The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

--This assessment may change as additional information is collected and analyzed and as currently available information continues to be evaluated.

--The investigation is on-going, and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths US citizens.

UNCLASSIFIED

UNCLASSIFIED

From: Rhodes, Benjamin J.
Date: 09/15/2012 11:25 AM

Subject: [AIN] RE:
To: 'michaejm[redacted] Robert.Cardillo[redacted] alanrp[redacted] matt.olsen[redacted] sullivanjj[redacted] mark.giuliano[redacted]
Cc: CIA OCA CIA OPA [redacted] FO CIA FO

Please respond to "Rhodes, Benjamin J."

CLASSIFICATION: UNCLASSIFIED

[redacted]

One edit for accuracy:

--The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US {cut: Consulate} diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

--This assessment may change as additional information is collected and analyzed and as currently available information continues to be evaluated.

--The investigation is on-going, and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths US citizens.

-----Original Message-----
From: michaejm[redacted] [mailto:michaejm[redacted]
Sent: Saturday, September 15, 2012 11:08 AM
To: Robert.Cardill[redacted] alanrp[redacted] matt.olsen[redacted] sullivanjj[redacted] mark.giuliano[redacted] Rhodes, Benjamin J.; jcingli[redacted] lisa.monaco[redacted]
Cc: CIA OCA, CIA OPA, FO, CIA FO
Subject:

Per the discussion at Deputies, here are the revised TPs for HPSCI. Let me know what you think.

--The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

--This assessment may change as additional information is collected and

UNCLASSIFIED

analyzed and as currently available information continues to be evaluated.

--The investigation is on-going, and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths US citizens.

EXHIBIT 11

C05622905.

C05622905

From: [redacted]
Sent: Sunday, September 16, 2012 9:43 AM
To: Nuland, Victoria J
Subject: Fw: CBS

----- Original Message -----
From: [redacted]
Sent: Sunday, September 16, 2012 09:41 AM
To: 'Dagoberto_Vega [redacted]
'Benjamin_J._Rhodes [redacted] NSC Deputy Press Secretary
Subject: CBS

They open w Libyan President who says no doubt attack preplanned/predetermined. Says planned by foreigners. Says maybe better for FBI to stay away a little while though they need their help w investigation.

She said in all other shows that no evidence this was premeditated, as we discussed.

Just fyi.

INTERVIEW OF AMBASSADOR SUSAN RICE

BEFORE THE

SELECT COMMITTEE ON BENGHAZI

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, FEBRUARY 2, 2016

APPEARANCES

FOR THE SELECT COMMITTEE ON BENGHAZI

PHILIP G. KIKO, *Staff Director and General Counsel*
CRAIG MISSAKIAN, *Deputy Chief Counsel*
MAC TOLAR, *Senior Counsel*
CARLTON DAVIS, *Counsel*
SHERIA CLARKE, *Counsel*
SUSANNE SACHSMAN GROOMS, *Minority Staff Director/General Counsel*
HEATHER SAWYER, *Minority Chief Counsel*
PETER KENNY, *Minority Senior Counsel*
LINDA COHEN, *Minority Senior Professional Staff*
DANIEL REBNORD, *Minority Professional Staff*

FOR SUSAN RICE

RICHARD A. SAUBER
Robbins, Russell, Englert, Orseck, Untereiner & Sauber, LLP

FOR THE WHITE HOUSE

W. NEIL EGGLESTON, *Counsel*
NICHOLAS MCQUAID, *Deputy Counsel*
JAMES WALSH, *Associate Counsel*
ALBERT SANDERS, *Associate Counsel*
CAROLINE TESS, *Senior Director for Legislative Affairs, National Security Council*
BRIAN EGAN, *Legal Adviser, National Security Counsel*
SUZY GEORGE, *Deputy Assistant to the President*

ALSO PRESENT

LORI GOODIN, *Stenographer for the White House*

Mr. Missakian. Let's go on the record.

Good morning, everybody. My name is Craig Missakian. I am one of the majority counsel, and I will be doing most of the questioning today here, Ambassador.

It's our understanding that you received the -- an explanation of the mechanics of today's interview as well as some of your rights. Is that correct? Were those explained to you?

Ms. Rice. I just got the piece of paper this morning, yes.

Mr. Missakian. Okay. Did you have a chance to review it?

Ms. Rice. I did. I appreciate it.

Mr. Missakian. Great. Do you have any questions before we begin?

Ms. Rice. No.

Mr. Missakian. Even though we are not going to be putting you under oath today, as would be typical at a deposition in a Federal trial, for example, do you understand that if you were to give false testimony here today you may be subject to criminal penalties because this is a congressional investigation? And that would apply to whether Members are asking you questions or staff is asking you questions. Do you understand that?

Ms. Rice. I do understand, yes.

Mr. Missakian. Then let's begin.

Mr. McQuaid. If I could just note the time.

Mr. Missakian. Yes.

Ms. Rice. I was just told they're going to turn the clocks on but they're going to be an hour off.

Mr. McQuaid. We won't ask for that hour to count against your time.

Ms. Rice. Thank you. It depends.

EXAMINATION

BY MR. MISSAKIAN:

Q Ambassador, let's start with the day of September 11th. Where were you?

A New York City.

Q Were you at your office?

A I was at my office partially and out of the office at other times.

Q And when did you first become aware of the protests that were occurring in Cairo?

A I don't recall precisely what time of day.

Q Okay. Approximately?

A Late afternoon, early evening.

Q Do you have an understanding of, when you learned about the protests in Cairo, it was a short time after they had begun or a while after they had begun?

A I don't recall precisely.

Q How did you hear about the protests in Cairo?

A I don't recall precisely. I know I did receive some email from colleagues, but I can't remember if that's the first I heard.

Q Do you recall having any discussions with anybody about the protests in Cairo?

A I don't recall in any depth, no.

Q Generally speaking, what do you recall learning about the protests in Cairo on that day?

A It was 4 years ago, so I don't know that I have a precise recollection of what occurred on that day. I don't remember what I heard first from whom. I was obviously at the U.N., so I could have heard it from colleagues at the U.N. I could have heard it from mission staff. I honestly don't remember.

Q And, generally speaking, what do you recall hearing?

A That a large group, perhaps several hundred, up to several thousand, had stormed our embassy in Cairo and, indeed, tried to breach the embassy compound; that initially the security forces, the Egyptian security forces, were slow to respond; and that the event in Cairo seemed to have been prompted by the "Innocence of Muslims" video.

Q And where did you learn that?

A It was in the media. It was, I think, relayed to me by my team. And I think it was some sort of a widely held understanding of what transpired.

Q With respect to the connection between the video, "The Innocence of Muslims," and what was going on in Cairo, do you recall that that conclusion was based on news reports or something else, if you recall?

A I think it came from a variety of sources.

Q Okay. What were the other sources besides news reports?

A I don't remember precisely.

Q Do you recall getting any classified briefings about what was occurring in Cairo?

A Subsequently.

Q When?

A In the days following.

Q Is your office in New York, is it a SCIF?

A Yes.

Q And do you recall having any classified meetings in your office in New York at any time that week about Cairo?

A No, I don't recall.

Q As you sit here today, what do you recall being told about what occurred in Cairo at any point during that week?

A I think I just described to you what I recall.

Q I would like to mark as exhibit 1 to the interview a one-page document.

[Rice Exhibit No. 1

was marked for identification.]

Ms. Sachsman Grooms. Ambassador Rice, would you mind speaking up just a little bit?

Ms. Rice. I can try.

BY MR. MISSAKIAN:

Q For the record, this is a one-page document. It's an email from Elisa Catalano to Susan Rice and others, dated September 11th, 2012, at 7:55 p.m., the subject: "More on Cairo Embassy Attack."

When you have had a chance to finish looking at this, Ambassador, just let me know.

A I have finished reading it.

Q Okay. Let's break it down. The first sentence says, "Some more detail on the attack on the Embassy Cairo beyond the press coverage you may have already seen."

Does that help you recall where you received your information from about the attack -- the protests in Cairo?

A No, it doesn't.

Q Okay.

Let's go to the second paragraph. "2000 protesters total. 20 got to the top of the wall, 10 got inside the perimeter -- they tore down the flag and sprayed graffiti inside the compound. They went after employee cars as well."

Do you recall that being the information you received on September 11th about what was occurring in Cairo?

A Well, I clearly received this email. It's more detailed than I recall 4 years subsequently but broadly consistent.

Q And you don't recall receiving this email, but you don't have any reason to believe you did not receive it at the time.

A Exactly.

Q Okay.

And at any point during the rest of that week, did you receive any information that contradicted the statement contained in the second full paragraph of this email?

A I don't recall.

Q The third paragraph states, "Limited police response until Patterson (in Washington) called the Prime Minister (reportedly the new government thought we had our own police inside the Embassy). Egyptian police did finally move the protesters off the compound peacefully. All employees safe and accounted for."

At any time after you received this memo, did you receive any information that contradicted the statement contained in that second full paragraph?

A The second or third?

Q Call it the third. The paragraph that begins, "Limited police response."

A Not that I recall.

Q Then I guess what we will call the fourth paragraph, I will read that.

"Protest was over the (rather low budget) Prophet Mohammed video produced in part by Pastor Terry Jones of Quran burning fame."

At any time, did you receive any information after this email that contradicted the statement contained in that fourth paragraph?

A I don't recall.

Q So, as best as you sit here today, your understanding of

what occurred in Cairo is there was about 2,000 protesters total, about 20 got over the wall, 10 got inside the perimeter, they tore down the flag and sprayed graffiti inside the compound. Is that fair?

Mr. McQuaid. Can we go off the record for a moment?

Mr. Missakian. Yes, we can go off the record.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

BY MR. MISSAKIAN:

Q I will rephrase the question, Ambassador. Focusing on just your recollection at the time, is your best recollection at the time that Cairo involved 2,000 protesters total, that 20 got to the top of the wall, 10 got inside the perimeter, they tore down the flag and sprayed graffiti inside the compound?

A That's more detail than I recall.

Q Do you have any reason to believe --

A But broadly consistent with what I -- with what I recall.

Q Okay. Do you ever recall hearing, during that period that we're talking about, that any of the protesters at the Cairo embassy had weapons, showed weapons, used weapons in any way?

A I don't recall.

Q You don't recall that they did?

A I don't recall one way or the other.

Q Ambassador, let's move forward in that day. When do you recall hearing about the attacks at the Benghazi facility?

A To the best of my recollection, in the evening.

Q And by "the evening," what timeframe are you referring to?

A Seven? Eight? Six? In that vicinity.

Q And how do you recall hearing?

A I don't recall whether this was the first source, but I do recall receiving an email from my team alerting me.

Q Now, it's accepted that the attacks began at about 3:40 p.m. East Coast time. And your best recollection is you heard about them several hours after that. Is that correct?

A That's my best recollection.

Q And is it your best recollection that you heard about it through an email or through a conversation with somebody?

A I don't recall. The only thing I recall that alerted me to it -- but I don't suggest that this was the only source -- was emails from my team.

Q And when you say your team, who are you referring to?

A Specifically to my colleague Eric Pelofsky. But I don't know if I received other emails, as well, from other members of my team.

Q And do you --

A Elisa is on my team, and she was clearly reporting on a different stream of information.

Q In preparation for your interview here today, do you recall reviewing the email you received from Mr. Pelofsky?

A Yes.

Q And what did that email say?

A It was a chain, so I think it was a series of emails. And I don't recall --

Q What did it say on the subject of Benghazi?

A I don't recall precisely. I imagine you might have it and can refresh my memory. But I think it was him reporting as we were hearing evolving information first about an attack, then about our concern that Ambassador Stevens may be missing, concern that something may -- tragic may have befallen him. And I don't recall getting clarity on the outcome until the morning.

Q Okay. Is it fair to say that what you were receiving were updates that were being circulated within the State Department generally?

A No, I don't think it's fair to say. I think that I was hearing from my colleagues at USUN in Washington. I can't be certain what their sources were. I assume they were seeing some of the information coming from the field, but I can't state with certainty where their information came from.

Q Did you ask them where they were getting their information?

A I did not.

Q Did you have any conversations with them?

A I don't recall having phone conversations.

Q What did you do in response to receiving this information, if anything?

A I recall asking to be kept posted on any additional updates. I recall expressing grave concern about Ambassador Stevens, who was a close colleague of mine.

Q And when you said to -- when you instructed them to keep you posted and updated, what did you mean by that?

A I meant keep me posted and updated.

Q Well, did you mean if something significant happened, on a minute-by-minute basis, as information may have changed?

A I meant as we learned more about the safety and security of our colleagues.

Q Okay. And did they do that?

A Yes. As that information came to them, they kept me posted.

Q So, even though you were in New York, you received information on a regular basis about what was going on in Benghazi. Is that correct?

A I received information as my team acquired it and sent it to me.

Q Did you receive any information from any other sources other than your team?

A I am sure I was receiving, as others were, what was available in the public domain, but I don't have any specific recollection of other sources of information.

Q When you say you were receiving information that was in the public domain, I assume you mean newspaper articles?

A I mean press reporting.

Q Press reporting.

A Wouldn't that include -- would include newspapers but obviously not limited to newspapers.

Q Now, how would you have received that?

A By reading, by watching TV, by receiving updates on email that may have been press reports.

Q At the time, were you aware that the CIA had a classified annex in Benghazi?

A Are we in a classified setting here?

Mr. McQuaid. Can we go off the record for just 1 second?

Mr. Missakian. I think I can clear this.

BY MR. MISSAKIAN:

Q At this point, the fact of the CIA facility in Benghazi is no longer classified, so you're free to answer.

A But you're asking what I knew at the time.

Q Yes. Did you know it at the time?

A I don't recall knowing that the CIA was -- at the time -- was the -- was in control of that annex compound.

Q I'm not sure I understand. Did you understand that there was an annex in Benghazi at the time?

A Well, I learned it when it was attacked. I don't recall knowing it beforehand.

Q Explain that. How did you come to learn that the Annex was attacked?

A Well, for one thing, it was in the emails that I was sent.

Q Okay. Now, prior to receiving those emails, did you know the Annex existed?

A I don't recall knowing the Annex existed.

Q So tell us what you first learned about the attacks in Benghazi at the time.

A I think we've gone over this. I learned, as I've said, the evening of the 11th. And you've asked me how I learned that. And, to the best of my knowledge, I recall receiving emails from my team. I'm quite certain I was conscious of what was going on in the public domain, but beyond that, I don't have a specific recollection of sources of information.

Q Yeah, I'm not asking you about sources at this point. Just kind of your general recollection of what you heard about the nature of the attacks. What was going on? What were you told?

A To the best of my recollection, that a crowd had gathered and participated in an assault on our -- our consulate compound and that it had evolved into a much larger attack on our consulate and then on an annex facility.

Q And you learned that that night, the night of September 11th.

A That's my recollection.

Q Do you recall anything about the -- learning anything about the motivation of the individuals that took part in this attack on the night of September 11th?

A I don't recall learning about motivation that night.

Q Do you recall hearing anything about the number of attackers on the night of September 11th?

A I don't recall.

Q Do you recall hearing anything about their affiliation to any militia or terrorist organization?

Mr. Sauber. That night?

Mr. Missakian. Yes, September 11th.

Ms. Rice. I don't recall anything definitive. I recall speculation in the press that it might have involved Ansar al-Sharia.

BY MR. MISSAKIAN:

Q Do you recall that night being informed that Ansar al-Sharia had taken credit for the attacks?

A Not precisely, but I wouldn't be surprised to be reminded of that.

Q And what time did you go home that night?

A I don't remember.

Q Was it early in the morning on September 12th?

A No, I don't think so. Early in the morning?

Q Right. The attacks began at about 3:40 on September 11th, and the attacks went well into the early morning of September 12th. Do you recall when you left your office on September 11th or September 12th?

A I don't remember. But I'm quite certain it was on the 11th, not the 12th.

Q When you left, did you know anything about the condition of the Ambassador when you left?

A I don't recall.

Q At that point, at the point in time when you left, do you recall that the Annex facility had been attacked?

A I don't recall when I learned that relative to when I left.

Q Okay. Do you recall how you learned that?

A As I've said, to the best of my -- the clearest recollection of the information that I received was the emails -- the email chain I was on with Eric Pelofsky. Beyond that, I don't recall precisely what sources of information I may have had.

Q Our understanding is -- well, let me withdraw that question and take a step back.

Do you recall hearing anything the night of September 11th about the type of weapons that the attackers had used at the Benghazi State Department facility and at the Annex?

A I don't remember when I learned about the type of weapons.

Q Okay. Whenever you did learn, what did you learn?

A I learned that it included heavy weapons.

Q By that, what do you mean?

A I don't think it was described precisely.

Q Do you recall who described it for you?

A I recall receiving intelligence updates in the subsequent days that included reference to heavy weapons.

Q And those intelligence updates, were they provided to you in writing or did somebody give you the information orally?

A In writing.

Q You read them.

A Yes.

Q Okay. How many did you read?

A I don't remember the exact number.

Q Do you recall when you read them?

A I receive a daily intelligence briefing every morning. As the U.S. Ambassador to the U.N., I receive a thorough briefing package, and I read it in the morning, so, I presume, each of the mornings subsequent to September 11th.

Q Other than that daily briefing that you received, did you receive any other classified information about what had occurred in Benghazi that week?

A Not that I recall.

Q On the evening of September 11th, we understand that there was a telephone call that occurred at 7:30. It was a secure video teleconference that involved a number of people. Did you take part in that call?

A No.

Q Did you know about it?

A I don't think I knew about it at the time.

Q Did you have any understanding of the military response that was being planned for Benghazi at that time?

A No.

Q Did you know that a military response was being considered?

A No.

Q So, during that entire week, you were not told that a military response was being considered.

A I thought you were talking about the night of September 11th.

Q We can start with the night of September 11th. I gather you didn't have any information that night.

A No.

Q Did you have any information in the subsequent days about a military response?

A What I recall about the military was the effort to evacuate our personnel that remained in Benghazi and then consideration as to whether evacuation of Tripoli was necessary.

Q Other than the daily intelligence briefings that you had beginning September 12th and continuing through that week, did you have any other meetings or discussions with anybody about what had occurred in Benghazi?

Mr. Davis. I'm sorry. We were waiting for a response to the question.

Ms. Rice. I thought you were going to add something to the question.

I don't recall any meetings that I participated in. I'm certain I had discussions with colleagues at the U.S. Mission, perhaps with

colleagues at the State Department. I don't have any specific recollection of that, but, obviously, when you lose four colleagues, it's something that affects all of us. And many of my colleagues were Foreign Service officers; many of us knew Ambassador Stevens personally. So I'm quite certain we had discussions about it.

BY MR. MISSAKIAN:

Q And we wouldn't necessarily expect you to have a specific recollection of any of those conversations. They may all blend together in your mind, and that's fine. Do you have a general recollection of what was being discussed?

A Just our heartbreak at the loss of our four colleagues and our shock and our grief and our sense of a huge loss, particularly for Ambassador Stevens, who was well known to me and to many others and with whom we'd worked very closely.

Mr. Missakian. My colleague may step in, and others as well, to ask you questions along the way.

BY MR. DAVIS:

Q Your intelligence briefing you mentioned that you received the day after the attack and subsequent days, that's something that occurred every morning?

A Every morning except Sunday.

Q And that was in writing?

A Yes.

Q And were you given a packet of information, or was it given to you electronically?

A I receive a binder that contains the daily intelligence.

Q And the binder was put together by who?

A My briefer.

Q And your briefer was stationed in New York with you?

A Yes.

Q Did the briefer sit through your review of the binder?

A Typically.

Q And did you engage in discussion with your briefer if you had any questions?

A I don't recall. If I would -- if I had questions on any given day, yes, I would pose those questions.

Q Do you recall if on the morning of September 12th you had any questions for your briefer?

A I don't recall.

Q What about the morning of September 13th?

A I don't recall.

Q And the morning of September 14th?

A I don't recall.

Q And what was the name of your briefer?

A And the morning of September 15th, I don't recall.

Q The name of your briefer at the time, do you recall?

A I don't recall. But I would remember if you refreshed my memory.

Q The binder of intelligence you were provided every morning, is that something the briefer took back with him or her?

A Yes.

BY MR. MISSAKIAN:

Q Ambassador Rice, were you asked to do any television shows during that week?

A Are you talking about the Sunday shows?

Q No, not the Sunday shows. Shows other than the Sunday shows.

Mr. Sauber. The week of September 11th?

Mr. Missakian. Yes.

Ms. Rice. Not that I recall.

BY MR. MISSAKIAN:

Q Okay. Were you asked to do the -- I believe it's called "Rock Center with Brian Williams"?

A That week?

Q Yes.

A I don't recall.

Q Let's mark this as exhibit No. 2 to the interview, a one-page document.

[Rice Exhibit No. 2
was marked for identification.]

BY MR. MISSAKIAN:

Q This is a one-page document that contains two emails. The top email is from Susan Rice to Erin Pelton, dated September 13th at 11:30 a.m., subject line: "Rock Center with Brian Williams."

Once you've had a chance to review it, please let me know.

A I've reviewed it.

Q Okay. Does this help you remember whether you were asked to do the "Rock Center" show with Brian Williams?

A It doesn't help me remember, but I'm sure it's accurate.

Q And who is Erin Pelton?

A She was my press secretary.

Q And Ms. Pelton is asking you if you want to do the shows, correct? And your response is, "No thanks."

Do you recall why you decided not to do that show?

A I don't recall precisely. I could guess.

Q Please.

A Uh --

Q You didn't want to talk about Justin Bieber.

A I didn't want --

Mr. McQuaid. I was going to ask for the record that the Justin Bieber piece you referenced be brought up.

Ms. Rice. I didn't want to be on the same show as Justin Bieber.

Frankly, it didn't seem to be something that I needed to do. I wasn't looking to go on television to talk about this. It was also 10 o'clock at night live, which wouldn't have been my preference.

That's my best guess. But it seemed like they were asking for me, and I didn't have any particular need or obligation to do it.

BY MR. MISSAKIAN:

Q Okay.

Let's talk about the -- a little bit about the other shows that

you did on Sunday morning. Let's start with the process by which you were selected to do those shows. Who asked you to do them?

A Ben Rhodes.

Q And was that in person or by telephone?

A Telephone.

Q Did he ask you once, or did he have to ask you multiple times?

A Sort of in between. I received a phone call as I was in my car on my way to Andrews for the ceremony receiving our fallen colleagues. And in that phone call from Ben, I was asked whether it would be possible, if Secretary Clinton were unable to appear on the shows, if I could appear on the shows. It was a contingency question at the time. And I said that, you know, I had other plans for the weekend and that it would not be my preference but if they needed me and there was not an alternative that I would be willing to do it.

Q Had Mr. Rhodes ever made a similar request to you?

A Many times.

Q Many times to appear on television shows in place of Secretary Clinton or just many times to be --

A No, not necessarily -- sometimes, perhaps. But many times over the course of my tenure in New York.

Q So that was the first call. I gather there were subsequent calls.

A There was one subsequent call --

Q And when did that occur?

A -- as I recall. After the ceremony. To say that Secretary Clinton was unavailable and to ask if I would be willing to do it.

Q Was Mr. Rhodes at the ceremony?

A I don't recall. I don't think so.

Q Do you recall him telling you anything more about why Secretary Clinton was not available?

A No.

Q Did you ask him any questions at that time?

A About what?

Q About what the appearances would entail.

A I'm sure I did. I don't recall exactly what they were.

Q Do you recall generally what you discussed with him?

A It was a very brief phone call, as I remember. I might have asked which shows, was it all of them. But I don't have a specific recollection of the conversation, other than what I've shared.

Q Did you ever come to have an understanding that week about why Secretary Clinton had not done the shows?

A Not a direct one, no.

Q Okay. What was your indirect understanding?

A I made some assumptions. I don't know that I ever had a conversation with anybody that would have given me any direct knowledge.

Q What was your best estimate on what you knew at the time?

A I assumed that, having had a very grueling and emotionally intense week, that she was tired and it was not her preference to go

on the shows. I had no specific knowledge from her or anybody else as to her reasons for declining.

Q Did you meet with Secretary Clinton at all that week?

A I believe I met with her Friday morning, as I often did.

Q And was that a standing meeting?

A It was when we were both available.

Q And what do you recall about that meeting?

A Nothing.

Q As you sit here today, you're not even sure it happened?

A I believe it happened.

Q Why do you say that?

A Because I've been reminded in the course of your work, by public statements, that it happened. And I've gone back and asked, and I'm told that it did happen.

Q Okay. Who did you ask?

A The woman who was my scheduler at the time.

Q And who is that?

A Taara Rangarajan.

Q And do you recall anything that you discussed with Secretary Clinton at that meeting?

A I have no recollection of the meeting. I honestly didn't remember having it until your work surfaced that recollection.

Q Would it have been typical for somebody at that meeting to take notes to reflect what was discussed?

A It was always one-on-one.

Q Where did that occur?

A In her office.

Q Other than Ben Rhodes, did you talk to anybody else at the White House about appearing on the Sunday talk shows?

Mr. Sauber. Before the appearances? Just the timeframe.

Mr. Missakian. Yes. We'll focus on that timeframe up to September 16th.

Ms. Rice. I don't recall speaking to anybody else in the White House apart from those who may have been on the prep call that I participated in.

BY MR. MISSAKIAN:

Q Alright, which we'll get to.

Why don't we move into that now. So I gather you came to Washington on Friday, September 14th.

A I don't recall if I came Friday morning or Thursday night. I often came Thursday night.

Mr. McQuaid. Can we just go off the record for just 1 second?

Mr. Missakian. Sure. Let's go off the record.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

BY MR. MISSAKIAN:

Q Now, to the subject of preparing for the talk shows. So I gather -- well, let me ask you, did you do any preparation on Friday, September 14th?

A No.

Q None whatsoever?

A No.

Q You didn't review any documents? You didn't speak to anybody? You didn't do anything to prepare?

A I didn't know until Friday night that I was going on the shows.

Q So Ben Rhodes called you Friday night and gave you the news.

A And asked me if I would in fact do it, given that Secretary Clinton was unable to.

Q So, prior to that time -- and how would you describe generally your -- your attempts to investigate what had happened in Benghazi, like, the week up to September 14th? For example, were you just relying on the information that was provided to you in the daily briefing, or did you go beyond that to have meetings, discussions? How would you describe it?

A I received my daily briefings. I received -- I consumed press reporting, as I always did. I don't recall participating in any meetings, interagency, in that window.

Q Now let's go --

A On this topic.

Q On this topic, yes. We're just talking about the attacks in Benghazi.

So let's go forward to -- did you do anything after speaking to Mr. Rhodes on Friday night to begin preparing?

A No.

Q What did you do the next morning to begin preparing?

A I reviewed briefing materials.

Q What briefing materials? Would that just be the same daily briefing materials that you received in the ordinary course, or was this different material?

A It was both. I received my daily intelligence briefing on Saturday morning, and I also began reviewing a briefing book that had been prepared by my staff for -- in preparation for the Sunday shows.

Mr. Davis. Do you know if that briefing book was classified or unclassified or a mixture?

Ms. Rice. It was unclassified.

BY MR. MISSAKIAN:

Q The briefing book, does it still exist?

A I don't know.

Q And who put it together for you?

A I believe it was put -- it was put together by my staff, I'm pretty sure. I believe that would have been Erin Pelton, but I can't be certain that she was the only person who was involved in that.

Q And you recall receiving this briefing book in the morning.

A I recall looking at it in the morning. I'm not sure if I got it Friday night or Saturday morning.

Q The first time you looked at it was Saturday morning.

A Yes.

Q Did somebody hand-deliver it to you?

A I don't recall how I received it.

Q When you're here in Washington, where do you go to work?

A At the State Department.

Q You have an office there?

A I did.

Q Did. Yes, you did. So is that where you reviewed this material, at your office at the State Department?

A No.

Q Where did you review it?

A I had it with me throughout the day on Saturday, and I was not in the office on Saturday.

Q As best you can, do you recall what was in that briefing book that your staff provided?

A I recall it included statements that other senior administration officials had made, including the President and the Secretary. I recall it including background Q&A and top-line themes covering the wide range of issues that we anticipated would come up on the shows: the protests that occurred all around the world that week; obviously, also what happened in Benghazi.

And, also, because it was 1 week before the opening of the U.N. General Assembly in New York and Iran was expected to be a prominent issue, and Prime Minister Netanyahu's visit also a prominent issue, I recall preparing for that discussion as well.

Q And do you recall the binder being augmented at all during that day, or was the material you reviewed in the morning the material that you had at the end of the night?

A No, I think I received the famous talking points on Benghazi later in the day.

Q Other than that, did it remain the same?

A To the best of my recollection, but I'm not certain of that.

Q Do you recall whether or not the material you received included a transcript of the President's interview with Steve Kroft on "60 Minutes" that occurred on September 12th?

A I don't recall.

Q Were you aware of that interview?

A I don't recall.

Mr. Sauber. As of when?

Ms. Rice. In this --

BY MR. MISSAKIAN:

Q At the time. Unless I say otherwise, we're talking about that time period between September 11th and September 16th.

A I don't have a recollection of it, but I imagine I would've been aware of it at the time.

Q And is that something that you would have normally received as part of your preparation? When you received the President's public statements, would it have been -- made sense for you to receive that transcript as well?

A It would have made sense, but I don't have a specific recollection of reviewing it.

Q Approximately how many -- let me withdraw that question.

In your preparation for your interview here today, do you believe you reviewed all of the documents that were contained in that binder?

A I don't know if I did.

Q Would there be -- if we wanted to reconstruct that binder, how would we go about doing it?

A If I knew the answer to that, I might have done it myself. I don't know.

Q It wasn't something that was emailed around? It was something that --

A I think bits and pieces of it were, but I can't assume that the entirety of it was ever put in one place other than what was handed to me.

Q Okay.

As we understand it, there was a telephone call that occurred that day around 4 o'clock. Do you recall that telephone call?

A I do.

Q Prior to that telephone call, did you have discussions with anybody about the appearances on the talk shows?

A Not that I recall.

Q So, as far as you can recall, you were basically just locked in a room with your binder and cramming for the --

A I didn't say I was locked in a room.

Q Okay. But it's fair to say you were on your own, you weren't working with anybody, you weren't talking to anybody about Benghazi, you had your binder, and that was pretty much it.

A I had received my morning intelligence briefing. I had received my binder and had reviewed my binder, at least all its contents up to that point. And I don't recall any intervening conversations prior to the prep call.

BY MR. DAVIS:

Q Your morning intelligence binder, what was normally, generally speaking, contained in the intelligence binder? Was that new intelligence or assessments that came out on that particular day?

A So in my intelligence binder would have been materials compiled by my briefer. They include the President's daily briefing. They include additional materials, mostly finished intelligence products, occasionally raw intelligence products, all selected for me by my briefer on the basis of his judgment of what I would be most in need of seeing and interested in reviewing.

And, yes, each day it was refreshed. So presumably what I received on any given day was the latest information we had.

Q So was it unlikely, in your opinion, that on Saturday, September 15th, there would have been materials in there that may have been in your intelligence binder from the 12th, 13th, or 14th?

A No. Each day -- the materials for the 15th were the materials for the 15th. It didn't -- wasn't a cumulative --

Q Nothing was repeated, generally speaking.

A No, not unless I asked for something.

Q Do you know if you asked for something on the 15th?

A Asked for what on the 15th?

Q Asked for anything in particular to be included in your intelligence briefing.

A No, I don't ask for -- unless I have a question and had posed a question and there's a followup piece of information provided.

Q Do you know if you had asked any particular question on the 13th or 14th?

A I don't recall asking for anything in particular.

Q Okay.

BY MR. MISSAKIAN:

Q Alright, Ambassador, let's talk about the prep call that you had that day. Our understanding is that it occurred about 4 o'clock. Is that true?

A I remember it being late afternoon. I don't remember the precise time.

Q Where were you when the prep call occurred?

A Where was I physically?

Q Yes.

A Columbus, Ohio.

Q So you were on the phone, obviously.

A Yes.

Q Where were you in Columbus, Ohio? Let me ask you this. Were you in a SCIF in Columbus, Ohio?

A No. It was an unclassified telephone call.

Q Okay. So I gather from that that no classified information was discussed on the call.

A No.

Q Who else was on the call with you?

A I don't recall all the participants.

Q Is there something that you could look at to help you remember?

A I don't know. Do you have something that would help me?

Q I don't. Do you?

A No. I honestly don't recall, and I've thought about this. I recall certain individuals.

Q Okay.

Let's -- Nick, if you want to have a break and talk to the witness -- you're passing notes -- we're fine to take a break.

BY MR. MISSAKIAN:

Q Okay. Why don't you go through the people you remember being on the call.

A I remember Ben Rhodes. I remember Erin Pelton, my press secretary. I remember Salman Ahmed, my chief of staff. I remember that there was somebody from the State Department, but I don't remember who. I remember David Plouffe.

And, frankly, beyond that, I can't piece together who else was on the call. I imagine there were more White House people. There may have been more State Department people. And there may even have been more of my own team on the call. But those are the ones that I remember.

Q And I believe you said that this was not the first time that Ben Rhodes had asked you to do the talk shows. Is that correct?

A Yes.

Q And for each of those other prior occasions, did you have a similar prep session?

A Typically.

Q Typically. And was it roughly the same people that participated in those prior prep sessions as participated in this one?

A Roughly. There would typically be my own team, State people, and White House communications people. And, typically, Ben would be on the call.

Q Okay. Was David Plouffe a typical participant in these calls that you had on prior occasions?

A I don't recall David being on other calls, but I remember other White House communications people being on the calls.

Q Do you have any understanding of why Mr. Plouffe was on this call in particular?

A I don't.

Q Do you recall him saying anything during the call?

A I don't believe he did.

Q Alright.

Let's go back to the basics. How long did the call last?

A I don't remember exactly, but I would guess a half-hour to 45 minutes.

Q Were there any conversations after the call about the talk shows?

A I can't recall. The reason I'm hesitating is because, in other instances, sometimes right before going on the shows in the morning, we've had brief catch-up calls. I don't recall that happening this time, but I'm not certain.

Q Did you make any calls? For example, did you pick up the phone and call anybody at the State Department or anything like that to discuss Benghazi?

A In what timeframe?

Mr. Sauber. Yeah.

BY MR. MISSAKIAN:

Q That day. September 14th, September 15th, September 16th, did you, yourself, initiate any calls to the State Department about Benghazi?

A I can't remember.

Q Now, as best you can recall, who was doing most of the talking during this call?

A I think it was a combination of me, Ben, the State Department colleague who I can't recall. That would be my best recollection.

Q The State Department person, can you recall anything about that person in terms of their position? For example, were they somebody from the press office or were they somebody from the Libya bureau or desk, for example?

A I believe a press person.

Q Was it Victoria Nuland?

A Honestly, I don't remember. But she would've been the logical person.

Q As best you can recall, did the people on the other end of the phone, were they all in the same room, were they on multiple phones in multiple rooms?

A I have no idea. I assume, because it was a Saturday afternoon, that they were in different places.

Q Tell us how it went in terms of reviewing documents. Did you have the sense that everybody had the same binder as you had and people were kind of flipping through, document by document, following along? How did that happen?

A I don't assume that they had the same binder I had.

Q Do you recall any discussions about specific documents? For example, did everybody flip to the CIA talking points and let's talk about those now?

A No.

Q Do you recall anything at all specifically that was discussed in that regard?

A I don't recall us talking about the CIA talking points. I recall being reminded that they were forthcoming and that we would be relying on them because they had been prepared for Members of Congress and they were our best distillation of what we knew at the time.

Q Okay. Who told you that?

A I'm not certain, but I believe it was Ben. And so we didn't talk about Benghazi, in fact, on the phone call, as I remember. We just said that those were the points.

Q Let's go into that a little bit more. If I understood you correctly, you said during this prep call for the Sunday talk shows you did not talk about the attacks in Benghazi at all. Is that correct?

A In any depth. I don't have any recollection of talking about them in any depth.

Q And if I also understood you correctly, you, at that time, meaning during the prep call, did not have a copy of what would be later known as the CIA talking points?

A I think I -- I'm not certain, but I recall receiving them somewhere after the call, sometime after the call, later the same day.

Q And how did you receive them?

A I don't remember. I mean, they were obviously delivered to me in some form or fashion.

Q As best you can recall, what was discussed during this phone call?

A We talked primarily about the protests that had occurred around the world, our understanding of the security state of our facilities around the world. We talked about Prime Minister Netanyahu's visit and his statement about red lines. We talked about the question that we anticipated as to whether or not, you know, the President would have the opportunity to see Prime Minister Netanyahu. That's my main recollection of the substance of the call.

Q And at some point after the call you received the CIA talking points, which -- why don't I do this. Why don't I mark this next document.

[Rice Exhibit No. 3
was marked for identification.]
[Rice Exhibit No. 4
was marked for identification.]

BY MR. MISSAKIAN:

Q Ambassador, I've just given you two documents. The first one is marked exhibit 3. This is a series of emails. The heading at the top is "UNCLASSIFIED." It's from Matt Olsen to a number of people, including Benjamin Rhodes.

Exhibit 4 is a compilation of the various versions of the talking points, the CIA talking points that we've been discussing, showing the original version from Friday, September 14th, and how it evolved into the final version.

Ms. Sachsman Grooms. Craig, can you identify for the record whether exhibit 4 is a document that you put together or is from some other --

Mr. Davis. Sure. Exhibit 4 was put together by ODNI general counsel Bob Litt.

Ms. Sawyer. So, just to be clear, this was the piece originally provided to Congress --

Mr. Davis. March 2013.

Ms. Sawyer. 2013. And then we got it both from HPSCI and also in the course of our investigation.

BY MR. MISSAKIAN:

Q Okay. First, let me ask you about exhibit 3. Do you recall this document being a part of the packet of materials you were given on Saturday, September 15th?

A It was not. I have not seen this document before today.

Q Now let's go -- exhibit 4, as I said, is a compilation of changes made to the CIA talking points.

Now, when you received the CIA talking points on the evening of September 15th, however you received it, did you have any conversations with anybody after receipt?

A I don't recall.

Q But you knew it was coming.

A Yes.

Q And who told you that it was coming?

A As I said, to the best of my recollection, it was Mr. Rhodes on the phone.

Q And to the best of your recollection, what did he -- how did he characterize the CIA talking points?

A As being carefully vetted and cleared, drafted by the CIA, and provided -- produced for the purpose of being provided to Members of Congress and, thus, what we would also utilize.

Q So, as far as you were concerned or as far as you understood, the CIA talking points represented the best information about the attacks in Benghazi at the time.

A Yes. That's how I -- that's what I understood them to be, and that's, in fact, what I knew them to be, because they mirrored very precisely the intelligence that I had also received.

Q So I just want to get the chronology straight. You received the CIA talking points; you're not sure if you had any further conversations with anybody about them that night. Did you have any conversations with anybody about the talking points the next morning?

A I don't recall.

Q Did you do any preparation work for your appearance on the talk shows between the time the call ended on Saturday evening and --

A I'm sure I continued to review my materials.

Q But no meetings, no discussions?

A I don't recall any subsequent meetings.

Q During the preparation call, do you recall anybody raising the topic of whether there were any indicators that the attack in Benghazi had been preplanned?

A No. As I said, I don't think we got into detail.

Q To the extent -- your best recollection is there was no discussion about whether Benghazi was preplanned or spontaneous during that call.

A I don't recall any.

BY MR. DAVIS:

Q Turn to exhibit 4 for a moment, and then turn to the very last page, page 8. 11:26 a.m. --

A Can you explain what this document is?

Q Sure. So it's a document put together by Bob Litt, and it's a document he compiled. And it's the evolution of the talking points from the very first draft at the top of page 1 to the final draft in the middle of page 8.

And so, for our purposes, I'm asking about the final version of the talking points on page 8. And the word "Consulate" is crossed out, and that's to reflect the very last change that was made to the talking points before they were finalized and disseminated to Congress and other entities.

So the three bullet points under "11:26 a.m.," does that represent, to the best of your knowledge, what the final talking points were that were provided to you?

A They look very familiar.

Q So that's a "yes"?

A I believe so. This is not the form in which they came to me --

Q Sure. I understand that.

A -- so --

Q I'm concerned about the content of the talking points.

A The content looks very familiar.

Ms. Sachsman Grooms. If it would be helpful, we can enter into the exhibits the final version from the SSCI report, where they declared it the final version. Would that be helpful to you?

Mr. Missakian. Yes, that's fine.

Ms. Rice. It would be helpful to me too.

[Rice Exhibit No. 5
was marked for identification.]

Ms. Rice. Which page am I looking at?

Ms. Sachsman Grooms. If you look at the second page of exhibit 5 now, that's the appendix to the Senate report from the Intelligence Committee. If you sort of go halfway through, it says, "The final" --

Ms. Rice. "The final" -- yes.

Ms. Sachsman Grooms. Yes.

BY MR. DAVIS:

Q So if you look at I believe it's page 43, I think lines up exactly with what's on page 8.

So my question to you is you had testified a couple minutes ago that Ben Rhodes said that these talking points were carefully drafted and vetted. Is that correct?

A That's my recollection.

Q But you said you knew them to be the best assessment, as well, because it mirrored previous intelligence that you had received. Is that correct?

A That is correct.

Q So what part of these talking points, I guess, mirrored intelligence that you had previously received?

A The first bullet point.

Q And can you read exactly what you're referring to?

A The entirety of the first bullet point.

Q "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by protests at the US Embassy in Cairo and evolved into a direct assault against the US diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations."

That's what you're referring to?

A Yes, it is.

Q And do you recall what previous intel you had received that mirrored that statement?

A Finished products provided to me and other very senior U.S. policymakers.

Q And do you know how closely those products mirrored that bullet point?

A Virtually identical but not verbatim.

Q Okay. And do you know, if it was not verbatim, what the differences were between what you read --

A I can't tell you precisely, but if you -- I do recall looking at them side-by-side and being comfortable that they were -- well, at the time, I didn't look at them side-by-side, but I knew from having

seen intelligence as early as that previous morning, Saturday morning, that this was very consistent with our latest information.

Q And you have since looked at them side-by-side?

A Yes.

Q And you're still comfortable that what was in the intelligence is virtually identical to what's in that bullet point?

A Yes.

Q And do you recall how recently you looked at them side-by-side?

A Very recently.

Q And is there anything in this bullet point that may not have been in the intelligence that you reviewed? Are there any words or phrases?

A Anything in the bullet point?

Q The bullet point, bullet point 1, "The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo."

A I'm sorry, I'm not understanding your question.

Q Sure. My question is you said that you looked at them recently side-by-side, correct?

A Yes.

Q And you were comfortable that what was in the finished intelligence is reflected here in this bullet point.

A Yes.

Q Okay. And did you recognize any differences between, looking at them side-by-side, what you saw in the intelligence versus what's in the bullet point?

A Okay. So let me be precise. What's in this bullet point closely mirrored a similar paragraph in the finished intelligence product that I received at the same time. I'm not saying this is the sum total of what I saw.

Q Sure. And you say it closely resembled or closely mirrored. My question is, what are the differences between what you reviewed and what's in here?

A I don't recall any substantive differences.

Q And you looked at this recently?

A Yes.

Q Thank you.

BY MR. MISSAKIAN:

Q What did you look at when you were doing your side-by-side comparison? We know the CIA talking points are here. What was on the other side?

A Finished intelligence products.

Q Okay. Where did you obtain those?

A From the intelligence community.

Q What did you ask them to compile for you? Because you were attempting, I gather, to reconstruct what you had back at the time. So who did you talk to, and what was your request?

Mr. McQuaid. Could we go off the record for 1 second?

Mr. Missakian. Let's go off the record.

[Discussion off the record.]

Mr. Missakian. Let's go off the record. We'll take a break.

[Recess.]

[11:00 a.m.]

Ms. Sachsman Grooms. Let's go back on the record. It is 10:58.

Ms. Rice. Okay. Our clock is off then.

Ms. Sachsman Grooms. Oh, I guess I am. I stand corrected.

My name is Susanne Sachsman Grooms. I'm a staff director on the Democratic side of the Select Committee for Benghazi. I'm going to introduce the ranking member, Elijah Cummings, and Ranking Member Schiff from the House Permanent Select Committee on Intelligence, who is with us today.

Mr. Cummings. I'm also a Member of the Benghazi Committee.

Ms. Sachsman Grooms. And also a Member, obviously, with the Benghazi Committee.

On behalf of all of us, I want to just start by thanking you for appearing today voluntarily. I understand that as the current National Security Advisor, your time is precious, and we will try to treat it in that way. And so we really appreciate your willingness to take the time out of your schedule to come and talk to us.

Ms. Rice. Thank you.

EXAMINATION

BY MS. SACHSMAN GROOMS:

Q At the time of the attacks, you were the Permanent U.S. Representative to the United Nations. Is that right?

A That is correct.

Q And so you were asked a lot of questions about, I think in the last round, the military response on the night of and the time you

went home. Is it fair to say you had no formal role in the response on the night of the attacks?

A That is fair to say.

Q And so your role, essentially, in this discussion is really more in what you said on the Sunday talk shows. Is that sort of accurate?

A Entirely.

Q And just to be abundantly clear, when you were on the Sunday talk shows, were you there in a capacity to talk about your sort of expertise on foreign policy and national security issues, or were you there to talk because you had some specific personal knowledge about the attacks or the security situation in Benghazi?

A The former. I was on the shows as a senior administration official and a member of the President's National Security Council and Cabinet, and I was appearing in a public context, as I often did, both in the media and in my day-to-day role as U.N. Ambassador.

Q And so you had no personal involvement in the security setup for the Benghazi mission. Is that right?

A None whatsoever.

Q And I think it would be helpful to put into context the events of the week of September 11th as you were preparing to speak about on the Sunday talk shows. There was the attack in Benghazi, but there was obviously also significant unrest throughout the region that week.

Can you explain how the rest of the week unfolded in terms of the unrest and the protests throughout the region?

A Well, I think we were all concerned and consumed by the widespread nature of the protest demonstrations and, in some cases, attacks on our diplomatic facilities in capitals around the world. It wasn't just in the Middle East. It was in various parts of Africa and South Asia, and we were first and foremost concerned about the safety of our personnel and the integrity of our facilities.

Q And what was the general understanding of what was triggering the unrest in all those protests?

A Our general understanding is that this was prompted by the video known as the "Innocence of Muslims."

Q And was there a continued or an increased concern as Friday approached because particularly if some things really did -- that seemed offensive to Islam, that there would be a risk that protests would take place around the Friday prayers in that region?

A Yes.

Q And can you explain how that context impacted your preparations for and your expectations for what would happen on the Sunday shows?

A Well, we were concerned not only to put the events in their factual context but also not to say or do anything that would inadvertently further flame tensions and cause greater harm to our personnel.

Q So part of what you were thinking about when you were talking on the Sunday shows was how you were going to be received publicly by foreigners. Is that --

A We wanted to make clear that there was never -- there is never any excuse for violence against our facilities, and I think I said that repeatedly, but also to be clear that this was a video that the administration condemned. And we didn't want to be in a situation where people could read public statements by administration officials as further inflaming antipathy toward the United States and inadvertently fueling protests.

Q And that would be a message to foreigners in order to keep our American personnel safe?

A That was something I think that was in the back of my mind and other people's, but our principal audience, obviously, but clearly for the Sunday shows, was an American audience.

Q In the last round, we talked about and we entered into the record exhibit 5, which we commonly refer to as the HPSCI talking points. Are you familiar with those?

A Yes.

Q Were you at all involved in drafting the HPSCI talking points? So that would be now we're looking at exhibit 5.

A Not at all. I had no role in drafting the talking points.

Q And I think you explained this in the last round. When they were presented to you, were they described to you as being the

intelligence community's best current assessment of the facts that could be shared publicly at the time?

A Yes, and fully cleared.

Q And cleared to be shared publicly, right?

A Yes, cleared in two respects. Cleared to be shared publicly and cleared as among the interagency, having been drafted by the CIA.

Q And so, by that, you mean there was an agreement that there was no disagreement with that within the interagency?

A That's my understanding.

Q And you understood them to be factually accurate, as determined by the intelligence community?

A I understood them to be our current best assessment, and I had a high degree of confidence that they reflected our current best assessment because they very closely mirrored the intelligence that I had been provided and that other senior policymakers had been provided.

Q And you didn't personally have any reason to question the accuracy of those talking points?

A I did not.

Q Had anyone else indicated to you that there was anything inaccurate about those talking points?

A No.

Q And did you understand those talking points to be something that was appropriate to say publicly so that it would not reveal

anything that would negatively impact intelligence sources or the ongoing criminal investigation?

A Yes, which is why being cleared by the relevant agencies and vetted throughout was important.

Q So when you read intelligence, I would assume that the intelligence that you were reading might have had more detail in it than was contained in the HPSCI talking points.

A Yes.

Q Is that accurate?

A Yes.

Q And would it have been your understanding that you should share the limited sphere that was in the cleared-for-public-release HPSCI talking points?

A Yes. When talking about our understanding of what prompted the attacks, it was my understanding that it would be wise to adhere to these cleared talking points.

Q And why was that?

A Because this is what the intelligence community believed was accurate, and this is what the -- at the time -- and this is what the intelligence community deemed could be said publicly without compromising sources and methods.

Q And did you think at the time that it was appropriate to defer to and use the intelligence community's assessment as described in those talking points?

A I thought it was entirely appropriate.

Q And would it -- I think you were asked in the last round what you did to investigate what happened in Benghazi.

Would it have been appropriate for you, in your role, to have tried to reinvestigate or redo the intelligence community's assessment?

A It would have been entirely inappropriate for me to do that.

Q And why is that?

A Because as a senior policymaker with no direct operational responsibility for what transpired in Benghazi, for me to go out and try to second guess the intelligence community or glean individual pieces of information and make my own judgments would have been to substitute my personal judgment for the best assessment of the intelligence community, which, by definition, brings together all of the information that is available, both open source and classified, and from that, the intelligence community's job is to distill their best judgment or assessment. And it would have been highly inappropriate for me to substitute my own for that or anybody else's.

Q And when you spoke during the Sunday talk shows, was it your goal and intention to communicate the information that was in those talking points by HPSCI when you were talking about Benghazi, to the best of your ability?

A When asked about that -- when asked questions that were relevant to that information, yes, it was my objective.

Q Is it fair to say that when asked questions that were relevant to that information, you did try your best to stick to the

language and the meaning of the HPSCI talking points as closely as possible?

A I did indeed.

Ms. Sachsman Grooms. I think, at this point, what I'd like to do is go through some of those, so I'm going to enter into the record exhibit 6, which is a compilation of the Sunday talk shows.

[Rice Exhibit No. 6
was marked for identification.]

Ms. Sachsman Grooms. So exhibit 6 is, for the record, is an email chain, email from Jonathan Lalley, dated Wednesday, September 19th, 2012, at 4:31 p.m. It's document No. C5394585. If you'll turn to the second page, it appears to be a compilation of the transcripts from the Sunday shows. So the second page reads: Sunday Shows, Ambassador Rice, September 16th, 2012. And it has an index to the different Sunday shows. Does that look right?

Ms. Rice. Yes.

Ms. Sachsman Grooms. I want to walk you through some of the specific statements that you made on the programs because they appear to follow a pattern. Generally speaking, you start by talking about the FBI investigation. Then you give the current best assessment from the HPSCI talking points. And then you finish with another caveat that the investigation will give the final answer. So let's turn first to ABC's "This Week," so page 3.

And you stated, and I quote: "Well, Jake, first of all, it's important to know that there's an FBI investigation that has begun and

will take some time to be completed. That will tell us with certainty what transpired."

Mr. McQuaid. I just -- Ambassador Rice was preparing the mark -- what I think you guys are going to mark as the exhibit, so I'm giving her my copy, and then I will just follow along.

Ms. Sachsman Grooms. No problem.

Ms. Rice. I was looking to where my part started, so -- I got it.

BY MS. SACHSMAN GROOMS:

Q I'm sorry. It's at page 3 on the document, so the document has page numbers at the top.

A Yeah, and there's -- my piece begins -- it's not separated as a paragraph. That's what I was --

Q Sorry.

A Confused about.

Q Why did you -- have you found the part? Sorry.

A Yes, I did.

Q Okay. Why did you start the answer with a caveat or a warning that the investigation is ongoing and so any information you shared was subject to change?

A Because I was very mindful that any such situations, particularly tragic events of this sort, that we typically learn more as time unfolds. We learn from our investigation, and I was mindful that what I was able to provide was purely the best assessment that we had at the time, and I wanted to convey that this could well change.

Q And was that important to you?

A Of course.

Q You go on to say in that next full paragraph, quote: "But our current best assessment, based on the information that we have at present, is that, in fact, what this began as, it was a spontaneous -- not a premeditated -- response to what had transpired in Cairo."

Again, here you seem to be very deliberately clarifying that this was the U.S. Government's current best assessment at the time. Is that right?

A That is correct.

Q And as you go on throughout that sentence, when you say "in fact," is that intended to negate the concept that this is just the current best assessment and that it was subject to change?

A It was not intended to negate that.

Q Can you now take this exhibit, which is exhibit 6, and put next to it exhibit 5, which is the HPSCI talking points?

A Yeah.

Q Can you compare that sentence I just read from your statement to the first line of the HPSCI talking points? Are they consistent?

A I believe they're quite consistent.

Q Do they both use the word "spontaneous"?

A Yes.

Q And do they both reference that they were related to the events in Cairo?

A Yes.

Q To the extent that you used slightly different words -- for example, you called it "a response" instead of saying it was "inspired by" in this particular instance, and in other instances, you also used slightly different wordings -- did you view your language as being synonymous and consistent with the HPSCI talking points?

A That was my intent, and that was my sole -- my sole effort was to be consistent with the talking points.

Q In the next sentence, in exhibit 6, you go on to say, quote: "In Cairo, as you know, a few hours earlier, there was a violent protest that was undertaken in reaction to this very offensive video that was disseminated."

And we had talked about this previously, but was that a commonly known fact at the time that the Cairo protests were a reaction to the video?

A Yes.

Q And further down, you again say, quote: "We'll wait to see exactly what the investigation finally confirms, but that's the best information we have at present," end quote.

A Yes.

Q Was that again an attempt to bookend and reinforce your statement that the facts were still developing and yet another caveat or warning that the information was subject to change?

A That is exactly what it was.

Q Based on these statements, did you in any way mean to express that what you were sharing with the American people was the definitive and final accounting of what happened in Benghazi?

A No. On the contrary, I was trying to convey that this was the best information as of the day I was speaking, that it was likely to change, and that we would learn more as the investigation unfolded.

Q Let's turn to CBS' "Face the Nation." It's page 8 at the top. We're going to do this again.

So in the sort of first Rice statement here, so in response to Bob Schieffer's first press links.

A "Well, Bob."

Q You start, quote: "Well, Bob, let me tell you what we understand to be the assessment at present. First of all, very importantly, as you discussed with the President, there is an investigation that the United States Government will launch, led by the FBI that has begun."

Is this another instance of you starting, once again, with the FBI investigation?

A This is another instance of my underscoring that, indeed, there will be an FBI investigation and that all I'm able to convey at present is our best assessment.

Q He interrupts and says, "But they are not there yet," and you go on to say, after a little bit, quote: "So we'll want to use the results of that investigation to draw any definitive conclusions."

That investigation that you're referring to there, the word "that" is referring to the FBI investigation. Is that right?

A That is correct.

Q And, again, you seem to be stating here that, again, that the ongoing FBI investigation made it impossible at the time to draw any definitive or final conclusions about what had occurred. Is that correct?

A That is precisely correct.

Q You then continue, quote: "But based on the best information we have to date, what our assessment is as of the present is in fact what -- it began spontaneously in Benghazi as a reaction to what had transpired some hours earlier in Cairo, where, of course, as you know, there was a violent protest outside of our Embassy sparked by this hateful video."

Again, does your language here, comparing the fact of the HPSCI talking points in exhibit 5, basically track that first sentence in the HPSCI talking points?

A I believe it does.

Q And was that your intention at the time, to track the HPSCI talking points?

A Yes, indeed, that was my intention.

Q And here, again, you're using the word "spontaneously" in referencing the Cairo events as the inspiration or the cause of the reaction. Is that right?

A I'm sorry. Can you --

Q I'm sorry. Here, again, you're referencing the word "spontaneous," which is also in the HPSCI talking points?

A That's correct.

Q And you're explaining that the events in Benghazi began spontaneously as a reaction to what had transpired some hours earlier in Cairo, and that matches what it says in the HPSCI talking points. Is that accurate?

A That is accurate.

Q And the discussion of the video here, when you said, "the events earlier in Cairo, where, of course, as you know, there was a violent protest outside of our Embassy sparked by this hateful video," was that the assessment that the -- was that your assessment at the time that what had happened in Cairo was a response to the video?

A Yes.

Q And do you have any reason to think that that's not accurate today? Has anything changed your understanding of what happened in Cairo that the events in Cairo were a reaction to the video?

Mr. McQuaid. Can we go off the record for a second?

[Discussion off the record.]

Mr. McQuaid. Back on the record.

BY MS. SACHSMAN GROOMS:

Q Did you -- you understood that the Cairo events were in response to the video. Is that accurate?

A That is what I understood at the time I was on the Sunday shows.

Q And, again, you said in this quote that it was the, quote, "best information we have to date," leaving open room for a change later based on the FBI investigation. Is that accurate?

A Yes, indeed.

Q Let's turn to page 12, which is your appearance on NBC's "Meet the Press." We'll go to the first full paragraph.

It starts, quote: "Well, let us -- let me tell you the best information we have at present. First of all, there's an FBI investigation, which is ongoing, and we look to that investigation to give us the definitive word as to what transpired," end quote.

A Yes.

Q Again, you're starting your answer here with the FBI investigation and a warning that the information that you had at the time was not definitive. Is that right?

A That is correct.

Q And then you stated, quote: "But putting together the best information that we have available to us today, our current assessment is that what happened in Benghazi was, in fact, initially a spontaneous reaction to what had just transpired hours before in Cairo, almost a copycat of the demonstrations against our facility in Cairo, which were prompted, of course, by the video."

Does that statement again emphasize that you were working off of the best information to date?

A Yes.

Q And does it again reference the spontaneous language from the HPSCI talking points?

A Yes, it does.

Q And it, again, references that the events in Benghazi were a spontaneous reaction to what had occurred in Cairo, which is the same as in the HPSCI talking points?

A Yes.

Q You continue to call these, quote, opportunist extremist elements came to the consulate as this was unfolding.

Does that match the HPSCI talking point that, quote, "there are indications that extremists participated in the violent demonstration," end quote?

A Yes.

Q And we've been told by many individuals in the national security field and at the CIA that the term "extremist" and "terrorist" are often used interchangeably. Is that also your understanding?

A They are often used interchangeably, and indeed, in the materials prepared and in the talking points, that's the term that's used.

Q So the HPSCI talking points that you were given used the word "extremist"?

A Yes.

Q And did you use the word "extremist" because that was the language in the HPSCI talking points?

A Yes.

Q Is it fair to conclude that you would have assented to use whatever language had been cleared for release by the intelligence community?

A Yes.

Q So if the cleared language in the HPSCI points had said "terrorist," is it fair to conclude that you would have used the word "terrorist"?

A Yes, of course.

Q And if the HPSCI talking points had said "Ansar al-Sharia" or "Al Qaeda affiliates," would you have used that cleared language?

A Yes.

Q You later go on to say, quote: "Obviously, that -- that's our best judgment now. We'll await the results of the investigation, and the President has been very clear. We'll work with the Libyan authorities to bring those responsible to justice," end quote.

Again, by suggesting the FBI investigation would provide the definitive word as to what transpired, did you mean to, once again, bookend your statements with warnings and caveats that the assessment was subject to change?

A That's exactly what I was trying to do.

Q Let's go to the last one we'll do, which is "Fox News Sunday." It's on page 23 at the top.

So at the top of page 23, it starts with you, quote: "Well, first of all, Chris, we are obviously investigating this very closely. The FBI has a lead in the investigation."

Is that, once again, you starting the answer by referencing the ongoing FBI investigation that would provide the definitive answers?

A Yes.

Q You went on to say, quote, "The information, the best" -- I'm sorry -- "The information, the best information and the best assessment we have today is that in fact this was not a preplanned, premeditated attack, that what happened initially was that it was a spontaneous reaction to what had just transpired in Cairo as a consequence of the video."

Was this you again attempting to repeat the HPSCI talking points?

A It was me trying to repeat the HPSCI talking points.

Q And so this was, once again, you trying to repeat your understanding of the intelligence community's best assessment at the time?

A Yes, indeed. That's exactly what I was trying to do.

Q Then you stated, quote: "Obviously, we will wait for the results of the investigation, and we don't want to jump to conclusions before then, but I do think it's important for the American people to know our" current best -- or, I'm sorry -- "our best current assessment," end quote.

Was this, once again, you ending the statement with a caveat or warning that the information you had was preliminary and subject to change?

A Yes. What I tried to do in each appearance -- and I think you've just reminded us that I did do in each appearance -- was to start

with a caveat and end with a caveat that indeed this information was only what we knew as of the day, and it was subject to change, and indeed to suggest that it was likely to change.

Mr. Schiff. Ambassador, thank you for your time today. I should begin by just observing that the -- this all came about when the ranking member of the Intelligence Committee asked for unclassified talking points, thus demonstrating that nothing good ever comes from the ranking member of the Intelligence Committee.

Would you agree with that, Mr. Chairman?

Chairman Gowdy. Not anymore, I don't.

Mr. Schiff. I wanted to just walk you through some of the comments people made in the wake of criticism of the Sunday show appearances and the talking points, and I apologize if much of this is redundant.

Frankly, you have already been interviewed on this subject many times, and I'm not sure how much new ground there is to cover, but in the interest of having a complete record, let me ask you about some of these statements and get your reaction to them.

After you were criticized for statements made during the talk shows, bipartisan reports and nonpartisan officials have repeatedly confirmed that the information you provided was consistent with the intelligence community's current assessment about what had happened in Benghazi on the night of the attacks.

The House Permanent Select Committee on Intelligence released our bipartisan report in November of 2014 and found that, quote: "The CIA

only changed its initial assessment about a protest on September 24, 2012, when closed-captioned television footage became available on September 18, 2012" -- that would have been 2 days after your appearance on the talk shows -- "and after the FBI began publishing its interviews with U.S. officials on the ground on September 22nd, 2012."

So as of the date that you spoke on the Sunday talk shows, September 16th, the Intelligence Committee's assessment remained that there had been a protest in Benghazi. Is that your understanding?

Ms. Rice. Yes, that is correct.

Mr. Schiff. And you relied on that assessment?

Ms. Rice. I did indeed.

Mr. Schiff. Did you have any reason to doubt that assessment by the intelligence community that had been shared in talking points with the Congress?

Ms. Rice. I had no reason to doubt that it was our current best assessment. I was aware that in these types of circumstances, as we gain more information, our understanding could change, which is why I tried to reinforce that point as best I could on the Sunday shows. But I also understood it to be the intelligence community's current best assessment, as I stated, because it mirrored very closely the finished intelligence products that I had received.

Mr. Schiff. And I'm glad that you had an opportunity today to go through in great detail and in all the various iterations of the Sunday talk shows just how many caveats you gave in each interview.

You began with a caveat and you ended with a caveat, and I mention that because there have been people who have said both openly in the press by way of criticism as well as privately before this committee that you should have caveated what you said. And I can only conclude that they're not familiar with what you actually said on the shows because I'm not sure how you could caveat it more than you have without spending your entire time with caveats. So I'm glad that we had a chance to go into that.

Is it also your understanding that the intelligence community did not revise its assessment until 8 days after your appearance on the Sunday talk shows?

Ms. Rice. That is my understanding.

Mr. Schiff. On April 18th, 2013, Director of National Intelligence James Clapper testified before the Senate Armed Services Committee and, referring to you, said, quote: "I thought it was unfair because the hit she took, I didn't think it was appropriate. She was going on what we had given her, and that was our collective best judgment at the time as to what should have been said."

The Director of National Intelligence would have had access to all of the most up-to-date intelligence assessments about the Benghazi attacks. Is that right?

Ms. Rice. That is correct.

Mr. Schiff. And he told Congress that you were relying on what the intelligence community had given you, their collective best

judgment at the time as to what should have been said, and that is what you were relying on?

Ms. Rice. That is what I was relying on.

Mr. Schiff. Director Clapper thought that you were not treated fairly in attacks against you for repeating the intelligence community's assessment, the same assessment that, frankly, had been provided to us in Congress.

Did you ever anticipate that kind of negative reaction to what the Intelligence Committee gave you?

Ms. Rice. No, certainly not in the moment.

Mr. Schiff. Have you forgiven Ben Rhodes for asking you to go on the show?

Ms. Rice. I don't blame Ben.

Mr. Schiff. We also have an email from an official at the Director of National Intelligence Office shortly after the attacks on September 27th where he agreed with the sentiment of his boss, Director Clapper, stating: "As I read the laydown, her comments were consistent with our intel assessment at that time."

In fact, had you not used the HPSCI talking points, had you given statements that were inconsistent with the best estimates of the intelligence community at the time, that would have opened you up to legitimate criticism. Would it not?

Ms. Rice. I would agree. Had I made my -- provided my personal judgment or that of anybody else's and deviated from what was the

intelligence community's current best assessment, I would have been mistaken, and I would agree, subject to legitimate criticism.

Mr. McQuaid. Mr. Schiff, can I just go off the record for one second?

[Discussion off the record.]

Mr. Schiff. And departing from those talking points would have opened you up to potentially legitimate criticism both because the talking points were an accurate reflection of the other intelligence you were provided and because what the Intelligence Committee was -- community was providing you was what you could say without compromising sources and methods or the FBI investigation.

Ms. Rice. That is correct.

Mr. Schiff. And the intelligence community would have been in the best position to be able to provide guidance as to what could be said without the compromise of intelligence sources.

Ms. Rice. Yes.

Mr. Schiff. In addition to the intelligence community, the State Department officials also agreed that your statements on the Sunday talk shows reflected the best available intelligence at the time. The day after the Sunday talk shows, Department spokesman, Victoria Nuland said during a press -- daily press briefing, quote: "Ambassador Rice and her comments on every network over the weekend was very clear, very precise about what our initial assessment of what happened is, and this was not just her assessment. It was also an assessment that you heard

in comments coming from the intelligence community and comments coming from the White House."

I don't know if you recall her saying that.

Ms. Rice. I don't recall it, but it would be consistent with what was the case at the time.

Mr. Schiff. A month later, on October 10, 2012, State Department Under Secretary for Management Patrick Kennedy testified before the House Committee on Oversight and Government Reform, saying, quote: "If any administration official, including any career official, were on television on Sunday, September 16th, they would have said what Ambassador Rice said. The information she had at that point from the intelligence community is the same that I had at that point."

Do you have any reason to doubt the veracity of either Ms. Nuland or Under Secretary Kennedy's statements?

Ms. Rice. No.

Mr. Schiff. I've read these statements into the record because the question of why you said what you said on the Sunday talk shows has been answered so many times by so many individuals, who all agree you were the repeating the Intelligence Committee's best available assessment at the time. Not only have all these individuals validated what you said here today, but you have said it before as well.

And I want to also point out for those who might not realize that you have already publicly addressed these issues, so let me give a few examples.

On November 27, 2012, you put out a statement explaining these facts, and said, quote: "The talking points provided by the intelligence community and the initial assessment upon which they were based were incorrect in the key respect: there was no protest or demonstration in Benghazi. While we certainly wish that we had had perfect information just days after the terrorist attack, as is often the case, the intelligence assessment has evolved. We stressed that neither I nor anyone else in the administration intended to mislead the American people at any stage in this process. The administration updated Congress and the American people as our assessments evolved."

That was your view in November of 2012, and that remains your view today. Does it not?

Ms. Rice. Yes.

Mr. Schiff. Again, on February 23, 2014, within a year after the Benghazi attacks, you appeared on NBC's "Meet the Press" and explained: "Once again, what I said to you that morning and what I did every day since was to share the best information that we had at the time. The information I provided, which I explained to you, is what we had had at the moment. It could change. I commented this was based on what we knew on that morning, was provided to me and my colleagues and indeed to Congress by the intelligence community. And that's been well validated in many different ways since. And that information turned out, in some respects, not to be 100 percent correct, but the notion that somehow I or anybody else in the administration misled the American

people is patently false, and I think that that's been amply demonstrated."

And that's exactly what you have said again here today. I'm not sure what more this committee can ask of you. I'm not sure what more I can ask of you, so I'd just like to conclude my portion by saying that I'm in complete agreement with Director Clapper. I think the attacks on you have been patently unfair. I greatly appreciate the service that you have provided the country and the sacrifices you made personally familywise, the long hours, and to go on television at a time when the American people are hungry for information about what had happened in the loss of one of one of our ambassadors and other Americans to give them the best information we had. And to be attacked for it I think is a terrible abuse of a tremendous public servant, and I regret this ever happened, and I appreciate your service to the country very much.

Ms. Rice. Thank you very much, sir.

Ms. Sachsman Grooms. Representative Duckworth has a couple of questions, and then we'll round out with the ranking member.

Ms. Duckworth. Thank you again for being here, Ambassador Rice. I appreciate your time, and I know these are many hours that you have provided testimony over and over again.

I wanted to cover again how you felt your role -- what your role was going on the talk shows. Did you see your role going on the talk shows as providing your personal assessment of the situation, or was

it to provide the best information available to the American public at the time?

Ms. Rice. No, ma'am. It was not my role to provide my own personal assessment. It was my role to convey as faithfully as I could the intelligence community's current best assessment. It was also my role to underscore that this was our best information in the moment and that it was likely to change and that we had an FBI investigation that would give us the whole picture.

So I saw my job as simply and clearly to try to convey as faithfully as I could the information we had at the time.

Ms. Duckworth. Is that why you adhered so closely to the HPSCI talking points?

Ms. Rice. That's why I tried very hard to adhere closely to the HPSCI talking points.

Ms. Duckworth. In other dynamic situations, in addition to Benghazi, you've been in service at the highest level for a long time. I would like to discuss with you the changing nature of information gathering, especially in a dynamic situation as this.

Have you seen in other situations where information provided may change, information provided to you may change as new information or new evidence comes to light?

Ms. Rice. Almost always changes.

Ms. Duckworth. Almost always changes. So the talking points that you may have received were just estimates, intelligence report

from the intelligence community to you -- changes from which the initial reports would be, and that has happened in other situations.

Mr. McQuaid. Go off the record for one second.

[Discussion off the record.]

Ms. Duckworth. Back on the record. I just wanted to underscore that in receiving the HPSCI talking points, she did not expect those to be permanent, that was definitive, that was the situation, and that it would be something that would not be unusual to receive updated later on, which is why you said over and over again: This is what we know at the time, and there's an investigation, and it may change.

Ms. Rice. I had sufficient experience to know that often in dynamic situations of the sort that we were dealing with in Benghazi, that our understanding would evolve over time as we did an investigation, as we had the opportunity to learn from those who were there, and so I had no doubt that it was important to characterize this as the best information we had at the time, not necessarily the final word.

Ms. Duckworth. And at any time did you feel that you should veer from the HPSCI talking points as you were on the talking shows? You went on multiple talking shows. Did you feel there was any need to deviate from them?

Ms. Rice. To the contrary. I thought it was important to adhere as closely as I could to the HPSCI talking points.

Ms. Duckworth. Why is that?

Ms. Rice. Because this reflected the intelligence community's best assessment as of the 16th of September. They had been carefully vetted and cleared and cleared, in particular, such that they could be unclassified and would not reveal sources and methods.

Ms. Duckworth. Okay. Thank you. I appreciate you being here. That's all I have. I just wanted to make sure that we understood what you felt your role was going on those talk shows.

Ms. Rice. Thank you.

Ms. Duckworth. And I thank you for your service.

Ms. Rice. Thank you.

Mr. Cummings. Off the record.

[Discussion off the record.]

Ms. Sachsman Grooms. Let's go off the record.

Ms. Sawyer. Let me just ask just one question.

Ms. Sachsman Grooms. Oh, okay, we can go back on the record.

BY MS. SAWYER:

Q Just a quick clarifying question, Ambassador Rice. When you were discussing with Representative Duckworth, you said that it was important when you were talking to adhere to the HPSCI talking points. I presume that was when you were answering questions on those shows directly about Benghazi, that you were adhering to the HPSCI talking points.

A Yes, and relevant questions about Benghazi that related to the content of the talking points.

Q Because you were certainly asked on those shows other questions, including questions about Iran.

A I was asked many other questions. All of the interviews were wide ranging. If I'm not mistaken, I think even on CNN, I wasn't even asked about Benghazi.

Q And in addition to being asked about Benghazi, you were also asked more broadly on those shows about the regional unrest.

A That indeed was where many of the conversations began.

Q And so with regard to the regional unrest that was broader than Benghazi, you were talking about the dynamic throughout the region and not just about Benghazi.

A Yes, with frequency.

Q And the HPSCI talking points that we've been discussing in great length did not talk about that broader regional unrest.

A That's correct. Simply on Benghazi.

Ms. Sawyer. Thank you.

Ms. Sachsman Grooms. Okay. Let's go off the record.

[Discussion off the record.]

[11:45 a.m.]

Mr. Missakian. Let's go back on the record.

Just a housekeeping item. With respect to the document issue we discussed at the end of the last break, my understanding is that that document will be identified by the Ambassador's counsel or by Mr. McQuaid at some future time.

Mr. McQuaid. The --

Mr. Missakian. This is specifically the document. We've asked her -- she testified that she did a side-by-side comparison between the HPSCI talking points and the intelligence report. So my understanding is either the White House or Ambassador Rice's personal counsel will identify that report to us in writing.

Mr. McQuaid. So can we just go off the record for a second? Are we on? I'm not sure if we're on.

Mr. Missakian. We're on the record.

Mr. McQuaid. Could we just go off the record for a moment?

Mr. Missakian. Okay. Let's go off the record.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

Mr. McQuaid. We will work with the committee staff to identify the intelligence she referred to in the answer in response to your question.

Mr. Missakian. Thank you.

I'm going to turn it over to Mr. Jordan now.

Mr. Jordan. Thank you.

Ambassador, other than the Friday morning meeting with Secretary Clinton, did you have any other conversations or meetings with the Secretary between September 11th and when you were on the shows, Sunday the 16th?

Ms. Rice. I don't recall having any other meetings. I may have had informal conversations in passing.

Mr. Jordan. Informal conversations in passing. And that would have been in person while at the State Department, or those could have been phone calls?

Ms. Rice. I don't believe there were any phone calls, so it would have been in person. We were, for example, together at Andrews Air Force Base.

Mr. Jordan. Right.

Ms. Rice. I don't recall being together any other time in that window, but I can't exclude that possibility.

Mr. Jordan. In your Friday morning meeting with Secretary Clinton, did you discuss the video during that meeting?

Ms. Rice. I don't recall what we discussed in that meeting, but I doubt it.

Mr. Jordan. You doubt it. In your last hour, you talked about, in the context of the video, we want to make clear that there's never an excuse for violence. And I think you even said something to that effect on some of the shows. I'm just curious if that was brought -- it was a big topic of conversation that week. You don't recall if that came up?

Ms. Rice. I don't recall that it came up. But understand that my weekly meeting with Secretary Clinton was typically about the substance of issues we were working on that were overlapping, so the work that I was doing at the U.N., and making sure that we were sharing information that was relevant to the work I did at the U.N.

Mr. Jordan. Do you recall if you talked about Benghazi, about the death of the Ambassador in the meeting with Secretary Clinton on that Friday morning?

Ms. Rice. I don't recall the substance of that meeting. And, indeed, as I said, until recently I didn't recall having that meeting.

Mr. Jordan. Is it likely that that would have come up? I mean, this is --

Ms. Rice. I can't imagine that we did not share our --

Mr. Jordan. Okay.

Ms. Rice. -- grief and remorse about what happened to our people in Benghazi.

Mr. Jordan. My understanding is you got two phone calls from Ben Rhodes relative to your appearance on the Sunday shows. When did you receive the first phone call?

Ms. Rice. As I said, it was as I was driving to Andrews Air Force Base.

Mr. Jordan. And that would have been before the meeting with Secretary Clinton or after the meeting?

Ms. Rice. After.

Mr. Jordan. Directly after the meeting?

Ms. Rice. No. The meeting with Secretary Clinton was in the morning. This would have been late afternoon.

Mr. Jordan. Okay.

Can you again, just real quick, walk me through the timeline? Thursday night, the 13th, you traveled from New York back to Washington. Is that accurate?

Ms. Rice. I said I don't recall for sure whether I came back Thursday or Friday morning.

Mr. Jordan. Okay. Friday morning, you had a meeting with the Secretary, Friday the 14th?

Ms. Rice. Yes.

Mr. Jordan. And what time was that meeting?

Ms. Rice. I don't recall exactly, but it was usually around 10, 10:30.

Mr. Jordan. Sometime after that meeting but before the afternoon appearance at Andrews, you got your first phone call from Ben Rhodes suggesting that you may -- they may want you to go on the Sunday shows?

Ms. Rice. It was as I was driving to Andrews, so it was --

Mr. Jordan. As you were driving.

Ms. Rice. -- in close proximity to getting to Andrews.

Mr. Jordan. Okay.

And then there's the event at Andrews. And then Friday night, you get a subsequent call, the second call, from Ben Rhodes saying we would like for you to actually go on those shows.

Ms. Rice. That's correct.

Mr. Jordan. Alright.

You then go to Columbus that night or the next day?

Ms. Rice. The next morning.

Mr. Jordan. The next morning. And it's there that you did the 4 o'clock prep call.

Ms. Rice. Yes.

Mr. Jordan. Okay. And then traveled back to Washington sometime Saturday or Sunday morning.

Ms. Rice. Saturday evening.

Mr. Jordan. Saturday evening. Okay.

Ms. Rice. After the phone call.

Mr. Jordan. Okay.

I'm good.

BY MR. MISSAKIAN:

Q Ambassador Rice, we have a few questions about some of your specific statements during the talk shows, as well. But one thing I want to clear up, at the time you went on the talk shows, did you know that a link between the extremists in Benghazi had been drawn to either Al Qaeda or groups sympathetic to Al Qaeda? Were you aware of that fact?

A What do you mean by "a link"?

Q Well, that some of the participants in the Benghazi attacks were either linked directly to Al Qaeda or were members of groups that were sympathetic to or affiliated with Al Qaeda?

A I think we didn't know -- my recollection is that we didn't know precisely who was responsible, but we had seen some claims, as well as some indications, that Ansar al-Sharia may have been involved.

Q Were you aware that the CIA or the intelligence community had removed references to Al Qaeda in the talking points?

A No. I had nothing to do with and no knowledge of the preparation of those talking points.

Q So when you testified earlier that the talking points had been cleared so as not to disclose sources and methods, were you aware of any specific change that had been made to do that?

A I had no knowledge of how the talking points were cleared or prepared.

Q Okay. So, at the time, you had no idea whether or not they had been cleared to protect sources and methods.

A No, no. That's not what I said. I believed -- I understood they had been cleared, including to protect sources and methods. But I had no knowledge of what was taken -- what was put in or taken out or how they were edited at the time.

Q Okay. How did you get that understanding, that they had been edited in a way to protect sources and methods?

A Because they were unclassified talking points cleared by the intelligence community. So part of the role of the intelligence community in that instance, as in any other, would be to ensure that the material was unclassified and could be shared publicly.

Q So is it fair to say that you didn't -- nobody told you that that had occurred, that you just assumed it based on the fact that you knew the intelligence community had reviewed the talking points?

A I think I was told that these were unclassified, cleared talking points that were prepared by the intelligence community.

Q I understand that, but did anybody tell you, in addition to that, that material had been removed to protect sources and methods?

A I don't -- nobody said something had been removed or added. What I understood was that the final product was unclassified and cleared by the intelligence community for public dissemination.

Q Very good. Thank you.

Let's talk about some of the specific statements. We can go back to exhibit 6 that the minority marked in the last hour, if you have that in front of you.

A I do.

Q Let's begin with your comments on ABC "This Week."

Mr. Sauber. Let's get the page number.

Mr. Missakian. Page 3.

BY MR. MISSAKIAN:

Q Now, I understood your testimony when the minority attorneys were asking you questions, and I'd like to focus on the paragraph that begins, "But our current best assessment." Do you see that?

A I do.

Q And you do use the term "in fact." Do you agree with me

that somebody listening to that statement and hearing those words, "in fact," would take that as a demonstrative, proven fact?

A Not if they heard the caveats that I was careful to employ at the beginning and the end.

Q So, in that particular sentence, because the caveat was so close to the declared statement, you would expect that they would put the two together.

A I would expect that, having said at the outset and at the conclusion that this was current best information and that there was an FBI investigation, that it would be incorrect to say that I was providing a final, definitive assessment.

Q And what did you know at the time about the FBI investigation?

A That it was going to occur.

Q That it had not started yet?

A Right. It had just begun.

Q Did somebody tell you the FBI was going to begin an investigation, or did you read about it in the paper? How did you come to learn that? It's not in the talking points.

A Whenever we lose American lives in a terrorist attack overseas, there is an FBI investigation. I knew from experience, but I also knew, based on the fact that we had announced that there was going to be an FBI investigation, that, indeed, there was going to be an FBI investigation.

Q When was that --

Chairman Gowdy. Craig, let's try it a different way.

Ambassador Rice, was there anybody from law enforcement on the 4 o'clock phone call that you had with Ben Rhodes?

Ms. Rice. Not that I recall.

Chairman Gowdy. Did anyone from the Bureau or any other law enforcement agency provide you a briefing before you went on the Fox Sunday morning talk shows?

Ms. Rice. No.

Chairman Gowdy. On one of the occasions, you said -- this is to Chris Wallace -- "The FBI has a lead in this investigation." How would you have learned that if you had not talked to the FBI?

Ms. Rice. Because I was aware, as a senior policymaker, that the FBI has a lead role in conducting investigations in this circumstance and others like it.

Chairman Gowdy. But there's a tremendous difference between the FBI has "the lead" and the FBI has "a lead." "A lead" is a law enforcement term that we have a suspect, we have a lead.

Ms. Rice. No, no, no. Excuse me. That was not what I was trying to say. I was saying they had the lead, as in the leadership role, not a lead on a suspect in the investigation.

Chairman Gowdy. Alright. So at least with respect to that transcript, you intended the article "the" instead of the article "a" to modify the lead. You were not suggesting that they had a lead but that they were taking the lead in the investigation.

Ms. Rice. That's what I meant.

Chairman Gowdy. Okay. Alright.

Well, then, if we could go to the interview with Bob Schieffer, you said, "The FBI" --

Mr. McQuaid. What's the page, Congressman?

Mr. Missakian. Page 8.

Chairman Gowdy. If you go back when the issue was first broached. "Well, Bob, let me tell you what we understand to be the assessment at present. First of all, very importantly, as you discussed with the president, there is an investigation that the United States government will launch, led by the FBI that has begun."

Then your next comment is, "They are not on the ground yet but they have already begun looking at all sorts of evidence."

What were they looking at that you knew about?

Ms. Rice. I didn't know specifically what evidence, but I knew that the investigation had begun and that they would do as they customarily do, try to gather as much evidence as possible.

Chairman Gowdy. They do customarily try to do that; you are correct. But your statement was, "They have already begun looking at all sorts of evidence." Who told you that?

Ms. Rice. I don't recall exactly who told me that.

Chairman Gowdy. Do you know when you would have been told that?

Ms. Rice. I don't know exactly when but sometime between September 11th and September 16th.

Chairman Gowdy. And there was no one from law enforcement on the 4 p.m. call?

Ms. Rice. No, not to my knowledge.

Chairman Gowdy. Do you recall talking to anyone with the Bureau before you went on the Sunday morning talk shows?

Ms. Rice. No.

Chairman Gowdy. Well, this is what I'm trying to reconcile. If you didn't talk to anyone with the FBI, who would have told you that they had all sorts of evidence?

Ms. Rice. I didn't say they had -- "they have begun looking at all sorts of evidence." I was aware, as a senior U.S. policymaker, that we had announced there was an FBI investigation already underway and that that investigation would involve gathering and looking at all sorts of evidence.

Chairman Gowdy. Alright. But you go on to say "already available to them and to us." What evidence was already available to you?

Ms. Rice. To me personally, none.

Chairman Gowdy. Then why would you have said "available to them and to us"?

Ms. Rice. I meant to the administration.

Chairman Gowdy. Do you know what was available to the administration?

Ms. Rice. Not precisely at this point.

Chairman Gowdy. Not at this point or not at the point that you --

Ms. Rice. At the time.

Chairman Gowdy. You did not know at the time what evidence was available to the administration.

Ms. Rice. That's correct.

Chairman Gowdy. Then why would you say "already available to them and to us"?

Ms. Rice. Because I knew that we had already begun the process of gathering information, both from an intelligence side as well as from the law enforcement side.

Chairman Gowdy. Alright. I'm with you on the intelligence side, but this -- but I can't find an interview that you conducted where you did not use "the FBI." And what I'm trying to understand is what was the source of your information from the FBI.

Ms. Rice. I didn't have any specific information from the FBI. I was aware and what I was trying to convey is that the FBI was in the process of beginning its investigation.

Chairman Gowdy. So if you were to say they already had begun looking at all sorts of evidence of various sorts already available to them and to us, in fact, you were not available -- you were not aware of what evidence they had.

Ms. Rice. I knew they were looking at intelligence among other sources of evidence.

Chairman Gowdy. Do you know whether the FBI played a role in drafting the talking points?

Ms. Rice. I don't know what role the FBI played in drafting the talking points.

Chairman Gowdy. They were not on the 4 p.m. call, to the best of your recollection. Do you know if they were already interviewing survivors?

Ms. Rice. I don't know.

Chairman Gowdy. Would you agree that the survivors would have been a very good source of evidence or information as to what happened in Benghazi?

Ms. Rice. In all likelihood.

Chairman Gowdy. Do you know whether -- you do not know whether those interviews had begun taking place or not?

Ms. Rice. I don't know. I didn't know, and I don't know.

Chairman Gowdy. I certainly understand the history of the Bureau investigating incidents overseas. What I'm trying to come to grips with is you mention at every one of your Sunday morning talk shows and at least one occasion you said they had a lead in the investigation. You say you meant "the lead." That's fine. I don't have anything to contradict that. But then you said, "They have already begun looking at all sorts of evidence."

Can you understand how that might suggest to the viewer that the FBI had placed its imprimatur on what you were saying?

Ms. Rice. No. I don't see that connection.

Chairman Gowdy. You don't see how saying, "They have already begun looking at all sorts of evidence of various sorts already available to them as to us" -- you don't see how that could be perceived --

Ms. Rice. "And they will get on the ground and continue the investigation."

Chairman Gowdy. Right. And I would have no qualms if you had said they have begun their investigation and we don't know yet what they know. But that doesn't read to me like what you said.

Ms. Rice. Okay.

Chairman Gowdy. What does the phrase "in fact" mean to you?

Ms. Rice. It means "indeed."

Chairman Gowdy. It means "indeed."

Ms. Rice. It can mean different things, but it can mean "indeed." It can mean "as a matter of fact." It can mean "as a statement of fact."

Chairman Gowdy. You used that phrase a lot during all of the interviews. What did you mean by the phrase "in fact"?

Ms. Rice. I'd have to look at it in the context of each of the interviews.

Chairman Gowdy. Okay. We'll start with the Jake Tapper interview. "Our best current assessment, based on the information" --

Mr. Sauber. What's the page, Congressman?

Mr. Missakian. Page 2. Page 2.

Chairman Gowdy. I'm looking at the same exhibit you are.

Mr. Sauber. Page 2?

Ms. Rice. Two or 3.

Ms. Sachsman Grooms. It's on page -- it's number 3, halfway through.

Mr. Sauber. Yep. Thank you.

Chairman Gowdy. "Our best current assessment, based on the information that we have at present, is that, in fact, what this began as, it was a spontaneous" -- what did you mean by "in fact"?

Ms. Rice. What I meant was that what we understood to be the case at the time was as I described. It was spontaneous, not premeditated, et cetera.

Chairman Gowdy. But why would you use the -- why would you use the phrase "in fact"? Ranking Member Schiff took great pains to talk about all the qualifying language that you used. "In fact" strikes me as being more definitive than qualifying language.

Ms. Rice. Given all the qualifiers that I put in here, I was not trying to convey that what I was saying was the last and final word on this.

Chairman Gowdy. Okay.

What does the word "premeditated" mean to you?

Ms. Rice. It means that whoever was involved had planned in advance to do what they did.

Chairman Gowdy. How much planning would need to have taken place for it to qualify as premeditated or preplanned?

Ms. Rice. I don't have a clear answer to that.

Chairman Gowdy. Well, you specifically said it was not preplanned and not premeditated. So I'm trying to get an understanding of how short a period of time something would need to be planned to not be preplanned or premeditated. What time period?

Ms. Rice. I don't have a definitive answer to that question.

What I was trying to do, sir, is to convey, consistent with the talking points, that this was, to the best of our understanding, a spontaneous reaction. And, to me, the antithesis of "spontaneous" is "preplanned or premeditated." I was trying to say the same thing in a slightly different way.

Chairman Gowdy. Okay.

Go on, Craig.

Mr. Missakian. Okay.

BY MR. MISSAKIAN:

Q Continuing with your interview on ABC, I'd just like to go over a couple of other statements.

Let's flip to the top of page 4. This is an answer -- at the very top, you give an answer. Mr. Tapper asks you on the previous page, "Why was there such a security breakdown? Why was there not better security at the compound in Benghazi? Why were there not U.S. Marines at the embassy in Tripoli?"

And then you respond, and this is also at the bottom of page 3, "Well, first of all, we had a substantial security presence with our personnel."

A Where are we?

Q We're at the bottom of page -- page 3. "Well, first of all, we had a substantial security presence with our personnel." Do you see that at the bottom?

A Yes, I do.

Q Okay. When you said "our personnel," were you referring to the State Department's?

A Yes.

BY MR. DAVIS:

Q What did you mean, you said, "We had a substantial security presence with our personnel"?

A I meant what I just said.

Q What does a substantial security presence mean to you?

A It means significant, more than one, more than two, more than three.

Q Did you have any indication of how many security personnel were actually with the State Department in Benghazi?

A Did I have any indication?

Q Did you have any indication at the time you made the comments how many State Department personnel, security personnel, were in Benghazi?

A I knew we had a Diplomatic Security presence.

Q Okay.

A I knew we had contractors.

Q Okay.

A I knew that two of the people who had been killed were there in a security capacity.

Q Okay. But in terms of "substantial security presence," to you that means more than one individual?

A It means -- it can -- certainly means more than one. But

it doesn't mean -- I wasn't trying to say it means 10, it means 20, it means 50. It was substantial.

Q Is "substantial security presence" more than one? Is that -- in all situations, does a substantial security presence mean more than one, or are you referring specifically to Benghazi in this case?

A I was referring to Benghazi.

Q Okay.

A But I was also making the point, as you'll see subsequently, that it obviously didn't prove sufficient to the attack.

Q Okay. So I just want to make sure I'm clear. "Substantial security presence," in your mind, can mean two individuals.

A I didn't say that.

Q You said more than one.

A I said more than one, more than two -- we can keep going. I didn't mean to imply --

Q Well, if it is more than one, then --

Mr. Sauber. For the sake of the record, let's just back off a little bit and just let everything get put on the record.

BY MR. DAVIS:

Q "Substantial" you said was more than one. Is that correct?

A I did not put a number on "substantial."

Q But "substantial" could be two, because two is more than one.

A I didn't say that.

Q So you had really no indication of what number you were referring to when you said "substantial."

A I knew that the State Department spokesperson had called it robust. I knew from my time visiting Libya that that there was a Diplomatic Security presence that was noteworthy. And I know that, in general, when we have Diplomatic Security present and contractors, that it is not insubstantial.

I want to recall, as well, that I said very clearly that it was not sufficient to the attack that transpired.

Q Sure.

So, following along, top of page 4, you say, "With our personnel and the consulate in Benghazi." Was there a consulate in Benghazi?

A It was a diplomatic post.

Q Why did you say "consulate" if there was no consulate in Benghazi?

A I may have misspoke.

Q Okay. Is there a difference between a consulate and a diplomatic post?

A Yes, in fact, there is.

Q Okay. Can you explain what that difference is?

A A consulate is there to provide services to American citizens. A diplomatic post could be a more informal office.

Q And are diplomatic posts always notified to the host government?

A I presume, if it's a State Department facility.

Mr. McQuaid. Can we go off the record?

Mr. Missakian. Off the record.

[Discussion off the record.]

Mr. Missakian. Back on the record.

BY MR. DAVIS:

Q The following sentence, "Tragically, two of the four Americans who were killed were there providing security."

Were they providing security to the diplomatic post in Benghazi?

A I thought they were at the time.

Q You thought they were. How was that your understanding?

A Because they were security personnel.

Q But were they security personnel for the State Department?

A I understood them to be at the time.

Q And how was that your understanding?

A Because that was the only presence I was aware of.

Q When did you become aware of a presence by the CIA in Benghazi?

A That's out of scope.

Mr. Sauber. Yeah. Within what time period?

Mr. Davis. Did you learn between September 11 and September 16 that were was a CIA presence in Benghazi?

Ms. Rice. I think -- no. I think I learned subsequently.

Mr. Missakian. Can we go off the record for just a second?

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

Mr. Davis. So nobody told you between the dates of September 11 and September 16 that two of the four Americans who were killed who were providing security actually worked for the CIA and not the State Department?

Ms. Rice. Not that I recall.

Mr. Davis. Alright.

Mr. Missakian. And you learned that subsequently?

Ms. Rice. To the best of my recollection, I learned it subsequently.

Mr. Missakian. How did you learn that?

Ms. Rice. I don't remember.

Mr. Davis. Really quickly, while we're on the topic, with your interview with Mr. Tapper, I'm going to go back really quickly to page 3. It says, "We believe that folks in Benghazi, a small number of people came to the embassy to" --

Mr. Sauber. Hold on. Which paragraph?

Mr. Davis. Sure. It's the third full paragraph under "TAPPER:".

Ms. Rice. I'm sorry. Where are we?

Mr. Sauber. Third full paragraph under "TAPPER:". Under what he's saying or what Ambassador Rice is saying?

Mr. Missakian. Her answer begins in the middle of the paragraph --

Mr. Sauber. Okay. Okay.

Mr. Missakian. -- where he's saying something.

Mr. Sauber. Thanks.

Mr. Missakian. It's the paragraph that begins, "We believe."

BY MR. DAVIS:

Q So, second sentence of that paragraph.

A Yep, I see it.

Q "And then as that unfolded" -- "as that unfolded, it seems to have been hijacked, let us say, by some individual clusters of extremists who came with heavier weapons."

What indication did you have that anything was hijacked by extremists who came with heavier weapons?

A Well, consistent with the talking points --

Q Okay.

A -- we understood that this began as a demonstration and that the demonstration involved -- evolved into a direct assault.

Q Okay.

A Indications that extremists participated. I was trying simply to say the same thing a different way.

Q Okay. But you're not aware as to whether or not the extremists were there at the beginning or whether they may have hijacked the demonstrations?

A Consistent with the talking points, my understanding at the time was that the demonstrations evolved into something that became much more violent.

Q Right. And I guess my question to you is, does it say in the talking points that the extremists came to the demonstrations later or that they had been there from the beginning? I'm trying to understand how you draw the --

A It's not specific.

Q It's not specific. But you made it more specific in what you said?

A I don't read it that way.

Q Alright. So when you say "it seems to have been hijacked," what does that mean to you?

A That it was -- what began as a demonstration evolved into something much more violent and that extremists came to the fray -- I don't know exactly at what stage they came to the fray; I wasn't purporting to try to describe that here -- and that it evolved into something much more violent.

BY MR. MISSAKIAN:

Q Thank you.

If you could flip to page 5, towards the top of the page, Mr. Tapper makes this statement: "It just seems that the U.S. government is powerless as this -- as this maelstrom erupts."

And then you respond, "It's actually the opposite. First of all, let's be clear about what transpired here. What happened this week in Cairo, in Benghazi, in many other parts of the region...was a result -- a direct result of a heinous and offensive video that was widely disseminated."

Mr. McQuaid. Could you just read the full context? You missed a line.

Ms. Rice. Tapper adding, "Tunisia, Khartoum."

BY MR. MISSAKIAN:

Q Oh. Absolutely. After you say "in many other parts of the region," Mr. Tapper interjects, "Tunisia, Khartoum." You continue, "was a result -- a direct result of the heinous and offensive video that was widely disseminated." And then it continues.

Just so we're clear, you intended to include Benghazi in that statement even though there are a number of other parts in the world that are identified, correct?

A No. What I was speaking to was the wide swath of protests that had occurred around the world during the course of the week. And I was making clear that this wide spectrum of protests had occurred and had been linked to the video.

Q Okay. Well, we know there were no protests in Benghazi, correct?

Mr. McQuaid. Off the record, off the --

Ms. Rice. I did not know --

Mr. McQuaid. -- record, off the record.

Ms. Rice. -- that at the time.

Mr. Missakian. Let her -- please let her answer.

Mr. McQuaid. Well, no. I don't want her to answer until we understand that you're not asking her for her current assessment, but her understanding of what she said at the time.

Mr. Missakian. Well, part of the scope of our agreement is she -- we're entitled to ask her about what she learned after she made the statements on the talk shows. If she did not learn about the fact that there were no protests, she can say that, but we're entitled to ask that.

Mr. McQuaid. Well, actually, what we agreed to is --

Ms. Sachsman Grooms. Are we on the record or off?

Mr. Davis. We're on the record, Susanne.

Mr. McQuaid. Can we go off the record?

Mr. Davis. We can stay on the record.

Mr. McQuaid. You're not going to let me go off the record?

Mr. Davis. We can stay on the record and have this discussion.

Chairman Gowdy. Why don't we just go off the record.

Mr. Missakian. Okay. Let's go off the record.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

BY MR. MISSAKIAN:

Q If I recall it correctly, that, as of September 28th, the Office of the Director of National Intelligence came out with a new assessment, a public statement, in which they made clear that there were no protests that preceded the attacks in Benghazi. Are you aware of that?

A Yes.

Q Alright. So at the time or close in time to your

appearances on the talk shows, you did learn that, in fact, there were no protests that occurred in Benghazi prior to the attacks.

A I learned that after my appearance --

Q Yes.

A -- on the talk shows.

Q After. After.

A Some days after.

Q Some days after.

So I just wanted to understand what you were saying -- what you're now saying about what you intended here. Because if I read this, and I think a common reading would be to suggest that what occurred in Benghazi in the attacks were a direct result of the heinous and offensive video.

A I think if you look at what I said on the other shows, I was trying to draw a direct link between the video and what happened in Cairo. And here I was trying to explain that the video had been a proximate inspiration for the wide range of protests that we saw around the region.

Q You don't use the term "wide range of protests." You specifically --

A I say --

Q -- identify Cairo, Benghazi. Mr. Tapper then throws in Tunisia and Khartoum. So you specifically single out Benghazi and tie it to the heinous and offensive video.

A What I was trying to do, if you look carefully at the transcript, it says, "Cairo, in Benghazi, in many other parts of the region." And then Mr. Tapper cuts me off and adds Tunisia and Khartoum. And then I continued. I was making the broad point about what had transpired around the world --

Q But you include --

A -- during that week.

Q But you include Benghazi.

Mr. McQuaid. Let her finish the answer.

BY MR. MISSAKIAN:

Q Are you finished with your answer?

A Yes.

Q Okay. But you include Benghazi in the answer.

A I said Cairo, Benghazi, and many other parts of the region.

Q Okay. So why did you include Benghazi in this response?

A I was trying to convey that there were demonstrations, including we thought there were demonstrations in Benghazi, and I was trying to say that the demonstrations that occurred around the world were linked to the video.

In my other transcripts, if you go through them very carefully, you'll see that I tried to be linking it more directly to what had happened in Cairo, which is really what I was trying to emphasize.

Q Okay. We will go through those transcripts. But to the extent you were linking Benghazi and suggesting that there were protests there, your statement -- and tell me if you disagree with

this -- your statement that what occurred in Benghazi was a result, and then for emphasis you say "a direct result," of the heinous and offensive video." I mean, do you believe that you went a little bit beyond what was in the talking points in making that statement?

A I wasn't even trying to utilize the talking points here. I was talking about what had happened around the world. That's what I meant to be focused on.

Q So when you included Benghazi, did you -- was that -- did you misspeak?

A Quite possibly.

Q Because you would agree that, at the time you made this statement on Mr. Tapper's show, the information you had did not -- did not state that there was a direct connection between the video and what occurred in Benghazi.

A That's right. And that's why I was, I think, more precise in the other transcripts.

Q Let's move to those other transcripts now.

If you could go to the Fox News transcript, which begins on page 17. What happened here, I gather, towards the beginning of the interview is that Mr. Wallace shows you a clip of Jay Carney saying something at a press conference, which I believe occurred the day -- 2 days before, on September 14th.

So we're now on page 18. If you look towards the bottom of the page, there's a clip from Jay Carney that says, "This is not a case

of protests directed at the United States writ large or at U.S. policy. This is in response to a video that is offensive."

And Mr. Wallace makes the statement, or asks you the question, "You don't really believe that?" And you respond, "Chris, absolutely I believe that. In fact, it is the case. We had the evolution of the Arab spring over the last many months. But what sparked the recent violence was the airing on the Internet of a very hateful and very offensive video that has offended many people around the world."

Now, as I read that, it seems to me as if you are making a very definitive statement. You used, in the second sentence there, the word "is." "It is the case."

How do you respond? Do you believe that you overstated the talking points in giving this answer to Mr. Wallace?

A No. The talking points were not germane to what I was being asked. If you go back and look at the start of the transcript, you'll see that the whole setup for this -- for my interview and this piece were the protests that Chris Wallace said had occurred. "Protesters" -- I'm quoting now Chris Wallace at the beginning of the interview with me.

Let me begin at the very beginning.

"And hello again from FOX News in Washington.

"We'll talk with Ambassador Rice and Chairman Rogers in a moment. But, first, here is the latest on the situation overseas:

"Protesters have attacked U.S. targets in more than 20 nations. Citing concerns over security, the State Department ordered all

nonessential U.S. government personnel to leave Sudan and Tunisia. And in Benghazi, Libya, there are reports of more arrests in the attack that killed four Americans, including Ambassador Chris Stevens.

"For more on the continuing unrest, let's bring in correspondent Leland Vittert, who is in Cairo, Egypt."

And then he goes through what happened in Cairo: protesters carrying posters of Osama bin Laden. In Tunis, U.S. citizens have been advised to evacuate the country. The government of Sudan has denied entry to Marines. Al Qaeda in the Arabian Peninsula has issued a communique urging more attacks.

Joining us now is Ambassador Susan Rice.

Welcome back to FOX.

Thank you.

So we are talking here about the attacks. Chris Wallace: "This week, there have been anti-American protests in two dozen countries across the Islamic world. The White House says it has nothing to do with the president's policies."

Then you go to Jay Carney.

"You don't believe that?" Well, yes, I do, is what I say.

Q Okay. So if I understand you correctly then, your answer was meant to exclude what occurred in Benghazi.

A My answer was about the protests around the world.

Q Okay, even though the lead-in, which you just read to us --

A He conflated them.

Q He conflated them. Okay.

Even though the lead-in mentioned Benghazi, Libya, your answer was meant to exclude it. Is that fair?

A It was meant to comment on what was really his question, which was the protests around the world. "Two dozen countries across the Islamic world. The White House says it has nothing to do with the president's policies." That's what I was addressing.

Q Okay. But you didn't -- you didn't -- certainly didn't make that clear in the answer.

And if you go to the next page, at the very top, you say --

Mr. Sauber. So we're on 19 now?

Mr. Missakian. Yes, page 19.

BY MR. MISSAKIAN:

Q At the top, you say, "Such things that have sparked outrage and anger and this has been the proximate cause of what we've seen."

You didn't exclude Benghazi. I mean, if you had to do it over again, do you think it would have been better to exclude Benghazi from that statement?

A I wasn't addressing Benghazi in this statement.

Q But you could understand how somebody watching and listening to you could have understood what you were saying to apply to Benghazi. Is that fair?

A You know what, I actually don't think so. Because was he showing clips from protests that occurred in all these other places. That was the video on the screen; that was what the question was about.

Q And later in your interview with Mr. Wallace, you made the

statement -- and I can't find it. Maybe somebody can help me. But you say, we don't see at this point signs this was a coordinated, planned, premeditated attack.

Mr. McQuaid. Let's clarify that if you want us to --

Mr. Missakian. Let's go off the record for a second while we find this.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

BY MR. MISSAKIAN:

Q Page 23, you say, "But we don't see at this point signs this was a coordinated plan, premeditated attack."

Would you agree with me that that's a different statement, conveys a different sentiment, than if you had said, "At this point, our assessment is that this was spontaneous"? Certainly there you would have to agree there were signs that this attack was premeditated.

A I'm -- if you will allow me, I'm still trying to read the transcript.

Q Please. Just let me know when you're done.

A So, again? I'm ready.

Q My question is, do you see a difference in saying that our best assessment is that the attacks were spontaneous versus what you said here, where you say there are no signs that the attack was premeditated or coordinated? Do you see a difference in those two wordings?

A What I was trying to do is to contrast the spontaneous with preplanned or premeditated.

So if you look at the paragraph prior, I say after all the customary caveats, "The information, the best information and best assessment we have today is that in fact this was not a preplanned, premeditated attack. That what happened initially was that it was a spontaneous reaction."

So I was trying to indicate, consistent with the talking points, that spontaneous and premeditated, preplanned, as I said earlier, are close to opposites. And that was the point I was trying to make.

Q Well, let's ask it this way. At the time, what would you have -- you, personally -- have considered a sign that this was coordinated or premeditated?

A I don't have an answer to that question. It could have been any number of things.

Q For example?

A Intelligence indicating that we had knowledge that the terrorists had plotted this out in advance.

Q So, for example, an intercept?

A Potentially.

Q Anything else?

A Any kind of intelligence.

Q Any kind of intelligence. Human intelligence, signals intelligence.

A Yeah, provided it was deemed credible and reinforced by other sources.

Q What about anything else? Do you believe that, for example, the nature of the attack could have been a sign that it was preplanned or premeditated? For example, if it was a complex attack, could that have suggested to you that it was preplanned or premeditated?

A Could have been, but not necessarily so.

Q Not necessarily so, but it could have been a factor. Okay. What about the types of weapons that were used?

A I would say the same. Could have been, but not necessarily so. We knew that heavy weapons were involved.

Q Right. In your mind, did that suggest to you one way or the other at the time whether it was premeditated or preplanned?

A It could have been, but it was not clear that it -- it could have not been.

Q But it's a potential that it could have been?

A It could have been. But the best assessment that I was given and that I tried to convey is that, indeed, this was a spontaneous demonstration that evolved into a larger attack with heavy weapons.

Q What about the number of attackers? Could that have been a sign that it was premeditated? For example, if it was a handful of people, you know, maybe you can get those folks together on the spur of the moment, but if it was 20, 50, 100, would that have suggested to you that it was potentially preplanned or premeditated?

A I don't think the numbers are indicative of planing.

Q Okay. Why is that?

A Because a single bomber can have preplanned an attack and carry it out.

Q That's correct. But so, on the opposite side, if you had 100 attackers, in your mind, that would not have suggested preplanning.

A It does not, in itself, indicate preplanning.

Q But, like the others, it could suggest preplanning, the number of attackers.

A As I said, I don't think the number of attackers is indicative of the degree of planning.

Q Well, it may not be indicative, but would you agree that if you have more attackers involved, that they appear to be coordinated, that could be evidence that it was preplanned or premeditated?

A I didn't draw any conclusions one way or the other. I was trying to adhere to the best assessment of the intelligence community.

Q Okay.

Could we go off the record for a second?

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

Alright. I would like to now move to the CNN interview.

Oh, yeah. Sorry. My colleague has a question.

Mr. Davis. I'm sorry. Just a couple more questions about your interview with Mr. Wallace.

BY MR. DAVIS:

Q On page 23, the second full paragraph, it says, "But we don't see at this point signs this was a coordinated plan." When you say "we," who are you referring?

A The U.S. Government.

Q U.S. Government. And that would include the CIA?

A It would include the intelligence community.

Q Okay. Of which the CIA is a part?

A Yes.

Q Okay.

So when you say, "We don't see at this point signs," does that mean there were no signs that this was a coordinated plan?

A As I said in response to Craig, what I was trying to do is to adhere to the talking points, which said this was spontaneously inspired, and I was contrasting that with premeditated and preplanned.

Q But when you said, "We don't see at this point signs," did you mean to say that there were no signs, or did you mean to say that there was no conclusion that it was a coordinated, premeditated attack?

A I didn't purport to draw any final conclusions at any point during these interviews. I was very careful to underscore that I was providing the current best information and that information could change.

Q Okay.

Just a couple more questions about your interview with Mr. Wallace.

Your next response: "Well, we obviously did have a strong security presence." What did you mean when you said "strong security presence"?

A I think we had this exchange over another adjective I used.

Q That was "substantial." I'm asking you about "strong."

A The same answer applies.

Q Same answer? Okay. So more than one?

A That wasn't my prior answer.

Q I want to go down a little bit further.

"But, obviously, there was a significant security presence." Same adjective? "Strong," "substantial," "significant"?

A You asked me earlier what I meant by "substantial," and I said --

Q Right.

A -- "significant." So I meant to use these as similar terms --

Q Okay.

A -- consistent with the terminology used by the State Department spokesman, which was "robust." I think, actually, these words are not as --

Q Strong.

A -- strong as "robust." But, nonetheless, as I said here and in other circumstances, it proved inadequate to the attack that transpired.

Q Okay.

And, really quick, going up the page on page 23, "Well, we obviously did have a strong security presence. And, unfortunately, two of the four Americans who died in Benghazi were there to provide security."

A I'm sorry. Where are you?

Q I'm sorry. It's "RICE: Well, we obviously did have a strong security presence. And, unfortunately, two of the four Americans who died in Benghazi were there to provide security."

Mr. McQuaid. You talked about the top of 23.

Ms. Rice. Middle of 23.

BY MR. DAVIS:

Q Do you see that?

A I do.

Q So when you say, "Unfortunately, two of the four Americans who died in Benghazi were there to provide security" -- we had this conversation already -- they were actually there to provide security to the CIA, correct?

A I didn't know that at the time.

Q You didn't know that at the time. But you knew there was a CIA presence at the time?

A No. And we've had this conversation. I learned that subsequently.

Q Okay.

I want to look at your next response, the second paragraph. "But, obviously, there was a significant security presence defending our

consulate and our other facility in Benghazi and that did not prove sufficient to the moment."

A Yes. And if you go --

Q What other facility are you referring to?

A Excuse me. We knew there were two buildings. And, indeed, the talking points say "its annex."

But I want to point out that, after I said two of the four Americans who died in Benghazi were there to provide security, that I again said, "But it wasn't sufficient in the circumstances to prevent the overrun of the consulate. This is among the things that will be looked at as the investigation unfolds."

Q So, with the word "annex" in the talking points, with your comment here about the other facility, it was your belief at the time that those were both State Department facilities.

A That was my understanding.

Q Okay.

A But I -- yes.

Q Okay.

BY MR. MISSAKIAN:

Q Ambassador, if you could just flip to page 12, this is a portion of your interview by David Gregory on "Meet the Press."

Mr. Gregory says, "Alright, well let's talk about -- you talked about this as spontaneous."

A I'm sorry. Where are you?

Q At the very top.

A Yep.

Q Okay.

Then he goes on, "Can you say definitively that the attacks on our consulate in Libya that killed Ambassador Stevens and others there security personnel that was spontaneous? Was it a planned attack? Was there a terrorist element to it?"

And then you respond, "Well let us -- let me tell you the best information we have at present. First of all, there's an FBI investigation which is ongoing and we look to that investigation to give us the definitive word as to what transpired. But putting together the best information that we have available to us today, our current assessment is that what happened in Benghazi was, in fact, initially a spontaneous reaction to what had just transpired hours before in Cairo; almost a copycat of -- of the demonstrations against our facility in Cairo, which were prompted, of course, by the video."

Now, you would agree with me that nowhere in the CIA talking points does it describe what occurred in Benghazi and what occurred in Cairo as almost a copycat of each other? You would agree with me on that?

A I would agree with you on that.

Q So would you also agree with me that describing what occurred in Benghazi as almost a copycat of Cairo was really overstating what was known at the time and certainly overstating what was in the talking points?

A I don't know that it was overstating or even misstating. But I would agree that the word "copycat" does not appear in the talking points.

Q Will you -- would you agree with me that what occurred in Cairo was nothing even remotely close to what occurred in Benghazi? I mean, we saw the earlier email that talked about 2,000 protesters in Cairo. There were not 2,000 protesters in Benghazi, correct?

Mr. McQuaid. Can you clarify what the basis for knowledge is that you're asking about?

BY MR. MISSAKIAN:

Q Yes. At the time, there was no basis for believing that there had been thousands of protesters in Benghazi.

A I did not believe there were thousands of protesters in Benghazi.

Q So --

A I also said that I didn't recall the number of protesters in Cairo.

Q But you do recall receiving that -- receiving that email, though.

A No, I don't recall receiving it, as I said. I acknowledge that I received it subsequently.

Q Fair enough. Just, there's no reason to believe you did not receive it at the time.

A I don't have any reason to believe I didn't receive it.

Q So you would agree, as you sit here today, that it would be inaccurate to describe what happened in Benghazi as almost a copycat of what occurred in Cairo.

A That's not what I said.

Q No, I know. I'm asking you, would you agree with that, that it would be inaccurate to describe Benghazi as almost a copycat of Cairo.

A Based on what knowledge?

Q Based on even the knowledge you had at the time.

A Based on the knowledge I had at the time, I would not say that that was necessarily inaccurate -- nor did I intend it to be inaccurate --

Q And it certainly didn't say that in the talking points.

A Yes, it did not say that in the talking points. It did not use the word "copycat."

Q At the time, did you know that weapons had been used in Benghazi?

A Yes.

Q Okay. And you knew -- at the time, did you know that no weapons had been used in Cairo?

A I said that I knew weapons had been used in Benghazi. In fact, I said so on the various shows.

Q Yes.

A And as I said to you earlier, I was not aware whether weapons had been used in Cairo or not.

Q Let's flip forward in the document to page -- let's go off the record.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

BY MR. MISSAKIAN:

Q Now we're on page 28. And specifically --

A Where are we on 28, please?

Q Yes. Ms. Crowley asks you, towards the top of the page, "But this was sort of a reset, was it not? It was supposed to be a reset of U.S.-Muslim relations?"

A Can you allow me time to read the context there?

Q Would you prefer to do that and then I'll read it into the record afterwards?

A Sure.

Okay.

Q Okay.

Now, you respond, "And indeed, in fact, there had been substantial improvements. I have been to Libya and walked the streets of Benghazi myself. And despite what we saw in that horrific incident where some mob was hijacked ultimately by a handful of extremists, the United States is extremely popular in Libya and the outpouring of sympathy and support for Ambassador Stevens and his colleagues from the government, from people is evidence of that."

Where did you get the fact that there was a handful of extremists that had hijacked what occurred in Benghazi? I mean, our

understanding, even at the time, the information was that there were 20 attackers. That went -- that number went to 50-plus, and then it went to over 100. Where did you get the number "a handful," which, in my mind anyway, is about five?

A I don't recall exactly where I got that from.

Q It's not in the talking points, certainly.

A Talking points say that "the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations."

Q That's correct. But nowhere in what you just read does the CIA or the intelligence community attribute a number to the number of extremists that took place in -- took part in the attacks, correct?

A Not in these talking points.

Q Okay. Do you believe that you received that information from another source?

A I don't recall.

Q But you do believe somebody told you that?

A I don't recall exactly how I acquired that information.

BY MR. DAVIS:

Q You say here, "I have been to Libya and walked the streets of Benghazi myself." That was back in 2011?

A Yes.

Q And while you were in Benghazi, did you go to the State Department facility in Benghazi?

Mr. McQuaid. Off the record.

Mr. Missakian. Let's go off the record.

[Discussion off the record.]

[1:17 p.m.]

Ms. Sachsman Grooms. Let's go back on the record. It is 1:20. The Ranking member had some questions.

Mr. Cummings. Thank you very much.

Ambassador Rice, first of all, I want to thank you for your service over many, many years. And I am just going to ask you a few questions, and then I am going to have to go back to the Hill.

You are a lawyer. Is that right?

Ms. Rice. No.

Mr. Cummings. You are not a lawyer?

Ms. Rice. No.

Mr. Cummings. I guess you remind me of --

Ms. Rice. I almost became a lawyer.

Mr. Cummings. I take it your reputation is very important to you. Is that right?

Ms. Rice. Yes, sir, it is.

Mr. Cummings. And I assume you would want to be known for truth and honesty. Is that a fair statement?

Ms. Rice. That's a very fair statement. I have always prided myself on being an honest person.

Mr. Cummings. And that's what I want to go to. I want to talk about some questions, get into some questions here, because there are some things that have been said about you that go against that. And as I am sure you are well aware, there have been some very highly critical statements about your appearances on the five Sunday talk

shows. And it's not just that it's been stated that you gave wrong information, but it has been stated that you did it on purpose, that you did it intentionally, and that you intentionally lied to the American public. And I know how hard that must be on you to hear that after you devoted your life to the public, serving the public, and trying to uplift the lives of all Americans. So I am going to go to some particular allegations, and I want to give you the opportunity to address them fully. And hopefully -- hopefully -- for the last time.

Mr. McQuaid. Can we just go off the record for one second? I apologize, sir.

Mr. Cummings. Sure.

[Discussion off the record.]

Mr. Cummings. Back on the record now. Appearing on the Hugh Hewitt radio show on May 7, 2013, Chairman Gowdy said, and this is a quote, "We know that we were lied to. I think I can prove tomorrow that it was an intentional misrepresentation by Susan Rice and others," end of quote. Now, that's a pretty serious allegation. I would like to give you the opportunity to respond to this allegation directly. Did you lie to the American people or intentionally misrepresent the facts for political purposes on the Sunday talk shows following the attacks?

Ms. Rice. No, sir. I never lied to the American people, nor did I ever intentionally misrepresent the facts.

Mr. Cummings. Did you always try to ensure that the statements that you made about the Benghazi attacks were accurate?

Ms. Rice. Yes, sir, I tried my very best to make sure that my statements were accurate and to adhere as closely as I could to the relevant talking points and, at the same time, to caveat at every instance that the information I was providing was our current best assessment, that it was preliminary, that it could well change, and that we were awaiting the results of the FBI investigation to give us the definitive determination.

Mr. Cummings. Now, earlier, in answer to a few questions, I think once or twice, you may have said it may have been a misstatement or -- and I am just wondering. I just want to go back to what you just said. Was there any time that you tried to misstate the facts as you knew them?

Ms. Rice. No, sir.

Mr. Cummings. Intentionally or unintentionally?

Ms. Rice. Neither. Neither intentionally nor unintentionally.

Mr. Cummings. Did you attempt to the best of your ability to follow the intelligence community's talking points and press guidance that you understood to be the collective best assessment at the time of what had happened?

Ms. Rice. Yes, where it was relevant, I did.

Mr. Cummings. And would that be the normal way it would be done?

Ms. Rice. Yes, sir.

Mr. Cummings. Did you deliberately downplay some facts or emphasize others in order to favor a particular political narrative?

Ms. Rice. No, I did not.

Mr. Cummings. Do you believe that you followed the guidance from the intelligence community as best as you could? And that your statements were consistent with the guidance from the intelligence community?

Ms. Rice. I did my best to remain faithful to the guidance I received from the intelligence community.

Mr. Cummings. Did you make every attempt to caveat your statements with the warning that they were subject to change from the ongoing investigation?

Ms. Rice. Yes, indeed I did.

Mr. Cummings. Similarly, on June 5, Ambassador, June 5, 2013, Senator and Presidential candidate Rand Paul appeared on FOX News and stated that you had, I quote, "directly and deliberately misled the public over Benghazi," end of quote. Did you directly and deliberately mislead the public over Benghazi?

Ms. Rice. I did not directly or deliberately mislead the public on Benghazi.

Mr. Cummings. Were you aware of or involved in perpetuating any kind of an intentionally false or misleading narrative about the Benghazi attacks?

Ms. Rice. No.

Mr. Cummings. Some have argued that it was false because you should have known by that time that there had not been a protest. How would you respond to those critics?

Ms. Rice. First of all, I did not know at the time that there had not been a protest. I was going off the best current assessment of the intelligence community. And the intelligence community subsequently made clear that they changed their assessment to conclude that there was not a protest or a demonstration several days after my appearance on the Sunday shows.

Mr. Cummings. Now, going to May 2nd, 2014, Congressman Gosar on his Web site said that you were, and I quote, "sent out to lie about the causes of the attacks instead of Secretary Clinton," end of quote. Did you go onto the Sunday talk shows to lie about the causes of the attacks?

Ms. Rice. I did no such thing.

Mr. Cummings. Did you go on the Sunday talk shows to somehow protect Secretary Clinton from making inaccurate statements about the attacks in Benghazi?

Ms. Rice. I did not.

Mr. Cummings. Did anyone ever pressure you to say anything about the Benghazi attacks that you believed to be false?

Ms. Rice. Never.

Mr. Cummings. Or misleading?

Ms. Rice. Never.

Mr. Cummings. Did anyone else working on any statement, talking points, or other remarks about the attacks ever tell you that they had been pressured into making changes that they believed to be false or misleading?

Ms. Rice. No, sir.

Mr. Cummings. Ambassador Rice, you know, you have a long, distinguished career in government. Surely, when you serve in high-level administration positions, you expect some sort of public scrutiny and criticism. We are very familiar with that. But this seems to go much further than that. Would you agree?

Ms. Rice. Yes, sir.

Mr. Cummings. And if you wouldn't mind sharing, tell us just how have these accusations affected you personally?

Ms. Rice. I think you can imagine that when you are a public servant trying to do your best for the people of this country and our policies around the world, to have your integrity impugned is painful. It's painful to me. It's painful to the people who love me.

Mr. Cummings. Again, I thank you for your service.

And I thank you for -- I use a statement that I say to people -- thank you for being you. And, you know, hopefully this all will come to an end. And there is one thing that my mother, only had a third grade education and former sharecropper, used to say: It's hard to get a reputation back.

But I hope that history will look back on this and your reputation will -- history will see your reputation for exactly what it is. Thank

you very much. And that's a good thing, by the way.

Ms. Rice. Thank you, sir.

Ms. Sawyer. Can we just have an off-the-record conversation?

[Discussion off the record.]

Ms. Sachsman Grooms. So I am just going to cover a couple quick followup things, and then I think we will stop our round. We will let the Republicans do their last 30 minutes, and then we will take our last 30 minutes.

In the last round, you were asked a number of times about your statements on some of the Sunday shows where you used the words "strong" or "significant" to describe the security presence. And in that round, you referenced public statements by the State Department using the term "robust." And so I just wanted to put some of those into the record. So I am going to mark the first document as exhibit 7.

[Rice Exhibit No. 7
was marked for identification.]

BY MS. SACHSMAN GROOMS:

Q Exhibit 7 is an email chain sent from Kimberly Gahan, at the top, to Harold Koh and a number of other people on September 12, 2012, 7:34 p.m. The document number is C5396428. I want to bring your attention not to that top email but to the email out from the State Department press office from Wednesday, September 12, 2012, at 6:42 p.m., subject, Background Briefing, colon, Senior Administration Officials to Update Recent Events in Libya. So if you turn to what

I believe is going to be the fifth page in here, and that would be the one that has the number 5 at the bottom --

A Yes.

Q I don't know if you are counting from the top or the bottom.

A Page 5 on the bottom.

Q Yes. If you go up to the I believe second full paragraph, this is quoting a senior administration official one, stating, quote: "What I can tell you is that security in Benghazi included a local guard force outside of the compound on which we rely, which is similar to the way we are postured all over the world. We had a physical perimeter barrier, obviously. And then we had a robust American security presence inside the compound, including a strong component of Regional Security Officers. But I am not going to go any further than that on the specifics." Would that be an example of the State Department using the term "robust"?

A Yes, it would be.

Q In a public statement?

A Yes. And the word "strong."

Ms. Sachsman Grooms. I am going to mark exhibit 8.

[Rice Exhibit No. 8
was marked for identification.]

BY MS. SACHSMAN GROOMS:

Q It's going to be another State Department press statement. For the record, this is an email from Bruce Wilmot, September 13, 2012, 3:43 p.m. It is a draft transcript of the daily press briefing from

the State Department from Thursday, September 13, 2012, where Victoria Nuland, the State Department spokeswoman, was speaking on the record at a press conference. I am going to go to the second page of that. I believe somewhere on this page she also uses the words "robust" and "strong" on the record. She was responding to a question that's about halfway through the page. The question is: "It does seem, though, that there were very few security personnel at this location." And Ms. Nuland responded, quote: "I am going to reject that, Elise. Let me tell you what I can about the security at our mission in Benghazi. It did include a local Libyan guard force around the outer perimeter. This is the way we work in all of our missions all around the world, that the outer perimeter is the responsibility of the host government. There was obviously a physical perimeter barrier, a wall. And then there was a robust American security presence inside the compound. This is absolutely consistent with what we have done at a number of missions similar to Benghazi around the world."

Do you think your statements about having a significant or strong security presence were consistent with the State Department's public statements that the presence was robust and strong?

A I do think they're consistent.

Q And do you recall whether, at the time, these kinds of daily press briefings, materials, would have been in the materials that you would have reviewed when you were preparing for the Sunday talk shows?

A As I said, I don't recall exactly the full contents of the briefing materials I was provided, but it is the type of thing that

would often be part of such briefing materials.

Q And is it fair to say that if that was the State Department's position at the time, that that position would likely have been communicated to you either by reading the public statements from the State Department or through some other internal conversations with your staff or with other State Department staff?

A Yes.

Q So you didn't have to use your personal knowledge to make any analysis about what was going on with the security in Benghazi. You were just relying on what was coming out of the State Department's public statements?

A I certainly was relying on the State Department's understandings and representations. I think also I had the benefit of a range of other pieces of information. But this was on the record. And so it would have been wise for me to be consistent with that in the absence of information to the contrary.

Q And you have already referenced that you had referenced shortly after your statements that there was an ongoing investigation, and you would, of course, find out later what that said about the security presence in Benghazi.

A Yes. But I also said that it was obviously inadequate to the attack that occurred.

Q Did you have any reason to believe that the -- at the time when you were making the statements on the Sunday talk shows and you used the words "strong" and "significant," did you have any reason to

believe that the robust statements from the State Department were incorrect?

A I did not.

Ms. Sachsman Grooms. I think what we will do now is a quick break and go off the record.

[Recess.]

Mr. Missakian. Let's go back on the record.

BY MR. MISSAKIAN:

Q Ambassador Rice, if we could go back to exhibit No. 6, please.

A Remind me what exhibit 6 is.

Q Exhibit 6 is a compilation of the transcripts. In particular, the "Face the Nation" transcript that begins at page 8 -- well, it's not part of this transcript, so I will just read it into the record. Are you aware that prior to you going on that show, that the then-President of Libya, Mohammed Magarief, appeared on the show before you?

A Yes.

Q And when he appeared on the show, he stated that there was no doubt that the attacks were preplanned. He said they were planned a few months ahead of time. Were you aware of that statement prior to you going on the show?

A I was only aware because I heard the clip as I was sitting in the green room.

Q Did it surprise you to hear that?

A Yes.

Q Okay. How did you react? Because if it was me sitting in that green room, I would have asked myself: Does he know something that I don't know? Because you were about to go on television and say the exact opposite, correct?

A I am sorry, your question was?

Q My question was, how did you react to that?

A I was surprised.

Q And what did you do? Were you concerned that he may have known something that you did not know?

A I didn't know what he knew. I knew what we knew and what the intelligence community's current best assessment was. And so it was my responsibility to faithfully relay that and not make something up on the fly based on what he said.

Q Sure. But did you do anything to determine whether or not there was anything to what he had said?

Mr. Sauber. Between the time she heard it and the time she went on -- is that what you mean?

Mr. Missakian. Let me qualify that. That's a good question.

BY MR. MISSAKIAN:

Q Yes. Either prior to going on the show, did you do anything, or prior to going on any other shows or at any time on that day after the shows, did you do anything to determine whether what he had said was correct or what you had said was correct?

A First of all, this was my fifth and final show.

Q Oh. Fair enough.

A I heard this right before I went on. As I said, it was a surprise. And it was very much inconsistent with our intelligence community's best assessment at the time.

Q So you didn't do anything?

A There was nothing I could do before going on the show.

Q Okay. Did you do anything after the show?

A I don't recall doing anything in particular about his comments. But, obviously, I continued to be interested after I went on the shows as to what our evolving best assessment was.

Q Sure. Because it was important. As you talked about, your reputation is important to you. If you had said something that was incorrect, you wanted to find that out. So what did you do to try to find out whether or not what he had said was correct or what you had said was correct -- let me finish -- up until the point where you learned there were no protests?

A Every day?

Mr. McQuaid. Could we go off the record?

Mr. Missakian. Sure. Let's go off the record.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

BY MR. MISSAKIAN:

Q Did you have any conversations with anybody, either on the night of September 16th or at any day thereafter up to the point where you learned there were no protests in Benghazi, on the issue of whether

or not President Magarief was correct or whether or not you were correct in saying that the attack was spontaneous?

A I don't recall specific conversations, but I recall being constantly interested in understanding our evolving best assessment, with a mind to caring about its inconsistency with what I was -- with what I said on the 16th.

Q Putting aside whether you remember any specific conversation, do you recall generally what you discussed with anybody during that time period?

A Just as I said.

Q What was that? Do you recall any conversations with anybody on this topic?

Mr. McQuaid. Off the record?

Mr. Missakian. I am not sure I understand. Off the record is fine.

[Discussion off the record.]

Mr. Missakian. Let's go back on the record.

I would like to show you a couple documents, Ambassador Rice.

Have you had a chance to review those documents?

Ms. Sachsman Grooms. I am sorry, did you mark an exhibit?

Mr. Missakian. I am sorry, it has been marked as --

Ms. Rice. No, I have not had a chance to review them.

Mr. Missakian. Please take a chance to review them.

[Rice Exhibit Nos. 9 and 10
were marked for identification.]

BY MR. MISSAKIAN:

Q For the record, we are looking at two email compilations here. Exhibit 9, the email on the front is from Ben Rhodes to a number of people. It was sent on September 13, 2012. Exhibit 10, also the first email, is from Benjamin roads to Dag Vega and a number of other people, dated September 14, 2012.

A Please go ahead. I haven't read them verbatim, but --

Q My question is a simple one: Do you recall having received either of these documents prior to your appearance on the Sunday talk shows?

A I have never seen No. 9 before you presented it as an exhibit. I do recall seeing a version of No. 10. I can't be certain it's identical.

Q Where did you see that version?

A It was in my preparatory materials.

Q Do you recall that exhibit No. 10 was part of the -- when you say "preparatory materials," do you mean for your interview today or for at the time?

A At the time.

Q Do you recall specifically seeing this document in the binder you received?

A As I said, I have seen a version of this document. I can't be a hundred percent sure that this is the final that was in my prep book. But it's quite similar.

Q I understand. Focusing on the second bullet under the heading "Goals," it says: "To underscore that these protests are rooted in an Internet video and not a broader failure of policy." Do you recall any specific discussion about that point, that goal as something that you were trying to achieve in your appearances on the talk shows?

A I don't recall specific discussions around this. But I do recall that this point was referring to the protests that occurred around the world that week.

Q It was also meant to apply to Benghazi as well, correct?

A No, that's not how I understood it.

Q Okay. Where did you get that understanding from?

A Because there is nothing -- these talking points are not about Benghazi.

Q Well, the next bullet I will read into the record says: "To show that we will be resolute in bringing the people who harm Americans to justice and standing steadfast through these protests." So, at that point in time -- this is Friday, September 14th -- the only Americans that had been harmed were the Americans in Benghazi, correct?

A To my knowledge.

Q Alright. I am going to stop my questioning now and turn it over to Members.

A I would just add that standing steadfast through these protests, plural, was referring to what had occurred around the world.

Q But it was to include Benghazi?

A I didn't understand it in that sense because it wasn't specific. And there is nothing else in this document that's on Benghazi, as I recall.

Q Let's flip to the second to last page. You are now looking at a summary of what the shows were going to focus on. And this is going --

A Where are you? I am sorry.

Q It is the second to last page in the --

Mr. Sauber. It says page 4 at the bottom?

Mr. Missakian. Yes, where it says page 4 at the bottom.

Ms. Rice. Where are we on this page?

BY MR. MISSAKIAN:

Q There is an email that starts about a third of the way down from the top from Dag Vega. Who is Dag Vega?

A He was like the booker guy at the White House who books the shows. Sorry for being imprecise.

Q That's okay. It's to Ben Rhodes and a number of other people. And it gives a summary of what you might expect to be asked about on the talk shows, correct?

A Where is it? The promos. I didn't see that piece.

Q You did not see that piece?

A No.

Q So when you received this document as part of your preparation binder, you did not believe that it applied to Benghazi?

Mr. McQuaid. Could you just be clear on the record of what she said? I don't think that's accurate to what she said.

Mr. Missakian. It's a question.

Ms. Rice. Let me be very clear.

Mr. Missakian. Please.

Ms. Rice. First of all, I said that I received and saw as part of my prep materials a version of this document that was quite similar. I don't believe it was identical. It did not include this email from Dag Vega. And I was saying that these points, up to the line where you see the separate email from Dag Vega, as I recall, and as I look at them cursorily here, did not refer to Benghazi.

Mr. Missakian. Okay. Thank you.

Mr. Jordan. Ambassador, is there anyone else at the State Department you spoke to that week other than Secretary Clinton on that Friday morning? Did you talk with anyone else?

Ms. Rice. I am sure I did. I mean, I was part of the State Department. So everybody I talked to at my mission was technically part of the State Department.

Mr. Jordan. Did you talk with Jake Sullivan?

Ms. Rice. I don't recall.

Mr. Jordan. Did you talk with Chief of Staff Mills?

Mr. Sauber. I am sorry, on that Friday?

Mr. Jordan. That week.

Ms. Rice. Between the 11th to the 16th. I don't recall.

Mr. Jordan. Patrick Kennedy?

Ms. Sachsman Grooms. Are we talking about Benghazi?

Ms. Rice. That's a fair question. Are we talking about on Benghazi or on any subject?

Mr. Jordan. I just want to know if you talked to him.

Ms. Rice. Not that I recall.

Mr. Jordan. You don't recall talking to Cheryl Mills, Jake Sullivan, or Patrick Kennedy that week?

Ms. Rice. No, I don't.

Mr. Jordan. Is there anyone -- did you speak with anyone in Libya? Like Greg Hicks?

Ms. Rice. During that week? No.

Mr. Jordan. Anyone at the State Department in the areas that had jurisdiction over policy and security in Libya, namely the Near Eastern Affairs Bureau?

Ms. Rice. I don't recall.

Mr. McQuaid. Off the record.

[Discussion off the record.]

Mr. McQuaid. Back on the record.

Ms. Rice. In any given week, I could have spoken to any of those people on any number of topics, but I am trying to give you my recollection, which is I don't have any specific recollection of talking to those people in that window.

Mr. Jordan. Okay. That's all I got.

Mr. Pompeo. Ambassador, you referred repeatedly to these HPSCI talking points as the intel community's best judgment. Is that

correct? Is that how you understood what you were provided?

Ms. Rice. Best current assessment.

Mr. Pompeo. Best current assessment. But it wasn't the intel community's best assessment. These were fully across the White House vetted and changed. You may not have known that. And that's my question. Were you aware that these weren't what the intel community originally provided, but in fact had been changed and input had been provided across lots of non-intel related personnel at the White House?

Ms. Rice. Sir, as I said earlier, I did not have any knowledge of how these talking points were edited.

Mr. Pompeo. Why do you keep referring to them as the intel points today, as somehow these were just pure intel? This is a very important point. The White House modified these. And they either didn't tell you or you didn't know. And I am just trying to understand why you even today seem to think these were the intel community's talking points. They were not that.

Ms. Rice. Because they were originally drafted by the intelligence community.

Mr. Pompeo. First draft.

Ms. Rice. They were validated by the intelligence community. You heard Director Clapper subsequently say they were what they provided, and he represents the entire intelligence community. And, moreover, I knew that they were substantially consistent with and closely mirrored the intelligence that I had received from the intelligence community.

Mr. Pompeo. But you knew Ben Rhodes had input, right?

Ms. Rice. I did not.

Mr. Pompeo. You did not. He didn't tell you that when you were speaking to him at 4 o'clock on Saturday?

Ms. Rice. As I said earlier, sir, we didn't discuss Benghazi or the talking points on that call. I was awaiting the receipt of the talking points from the intelligence community, which, as you know, were prepared for HPSCI. So we didn't discuss the substance of them.

Mr. Pompeo. I understand. So you were just the spokesman. You had been given something, and they told you: Go on out there and do your duty and repeat what you were provided.

Ms. Rice. No, sir. I was also a member of the President's Cabinet and the National Security Council. I was a recipient of the most refined intelligence products. And I satisfied myself that what I had been asked to say in the unclassified points were consistent with what I had received in intelligence channels. Otherwise, I wouldn't have said it.

Mr. Pompeo. We have had testimony that people were very surprised by what you said on Sunday morning -- intelligence professionals inside the government at that time were surprised by what you said.

Ms. Sawyer. Just to clarify, I don't believe that this committee actually has received that.

Mr. Pompeo. Sure we have.

Mr. Missakian. Let's go off the record.

[Discussion off the record.]

Mr. Pompeo. Can you account for why the intelligence professionals who you thought had provided you the talking points, or at least some of them or one or two, were surprised by what you went out and said on Sunday morning?

Ms. Rice. I can't account for that. I don't know who you are referring to or what information they had. I do know that the intelligence -- senior intelligence officials in Washington had validated these points as our current best assessment. And you have Director Clapper on the record saying as much.

Mr. Pompeo. Right. I appreciate that. We are trying to figure out how that could have possibly happened. There have been some suggestions it was political. And I just want to know. We have folks who were deeply surprised inside the government about what you said then. We are trying to reconcile how these all came to be.

Ms. Rice. I can't shed any light on that.

Mr. Pompeo. I appreciate that. Thank you very much. Thanks for your time.

Chairman Gowdy. Ambassador, I just have a couple more questions. Back to this reference to evidence in connection with the FBI. Were you aware that there was a surveillance video or at least the prospect of a surveillance video at the compound that would have captured what happened?

Mr. Sauber. As of the day she went on the shows?

Chairman Gowdy. Yeah. That's fair.

Ms. Rice. I don't believe I was aware of that at the time. I became aware of it subsequently.

Chairman Gowdy. It is not a trick question. Would you agree with me that the surveillance video would be among the best evidence, since you used the word "evidence," would be among the best evidence as to what actually happened?

Ms. Rice. Would I have agreed at the time?

Chairman Gowdy. Would you agree, just in theory? It's not a trick question. In theory, a real-time video of what's happening would be really good evidence as to what happened.

Ms. Rice. Yes, sir.

Chairman Gowdy. Were you aware that there were survivors of the attacks in Benghazi?

Mr. Sauber. On that day?

Chairman Gowdy. Yeah.

Mr. Sauber. On the day she went on the shows.

Chairman Gowdy. Or leading up to them. At any point leading up to your five Sunday morning talk show appearances, were you aware there were survivors of the attacks?

Ms. Rice. By "survivors," you mean Americans?

Chairman Gowdy. Yes, ma'am.

Ms. Rice. Yes, I believe I was.

Chairman Gowdy. Did you know whether or not the FBI was interviewing those survivors?

Ms. Rice. I was certain they would interview those survivors.

Chairman Gowdy. So when you say the investigation has already begun, specifically making reference to the Bureau's investigation, were you referencing that? Did you know the Bureau was already interviewing survivors before you appeared on the Sunday morning talk shows?

Ms. Rice. I am not sure I knew when they would be getting to interview survivors, but I knew they would do so, and I knew they were already combing through the intelligence that we had available.

Chairman Gowdy. I guess this is what I am getting at, just from a broader perspective. We all hear, whether it's Attorney General Holder, Attorney General Lynch, really anybody in the criminal justice realm just doesn't comment on ongoing investigations. They don't make comments and use qualifying predicates. They just say: Look, I don't know. And I am not going to answer your question until the investigation is complete.

Why not respond that way when you were asked on the Sunday morning talk shows?

Ms. Rice. Sir, I wasn't trying to qualify or characterize the investigation. I was trying to indicate that there was an investigation, that it was going to be thorough, and that it would reveal the best information as to what had transpired.

Chairman Gowdy. I am not challenging that. I am just saying instead of saying, "Our best assessment at this time is that it was not premeditated, not preplanned, that it was spontaneous," one out of five references to the video, why not just say, "The investigation

has just begun; we don't know; and I am not going to guess"?

Ms. Rice. Because our intelligence community, in response to a request from HPSCI, had provided talking points along the lines that we have discussed multiple times now. And those talking points, which you and your colleagues would have gone out with, were more detailed than simply saying, "I don't know."

Chairman Gowdy. Right. But you and I both know in hindsight that the talking points, at least to some degree, were wrong. So I guess the lesson moving forward is maybe we should just say, "It's an ongoing investigation, and I am not going to comment on it."

Ms. Rice. Maybe we should.

Chairman Gowdy. Alright. One last thing, and I will turn it back over. Your credentials are unassailable. I certainly understand why you would be on the list of people to ask to go on the Sunday morning talk shows. But your background is not in law enforcement. Your background is not at the Department of Defense. You did work for the State Department but were not the Secretary of State at the time. Do you know if they asked anyone to go on the shows before they asked you?

Ms. Rice. I know they asked Secretary Clinton.

Chairman Gowdy. And you met with her the Friday before you went on. Your best recollection is you -- human nature was not such that you would say, "Hey, you mind if I ask, why aren't you going on these shows?"

Ms. Rice. So, sir, just to be clear, I didn't know I was going

to be asked to go on the shows when I met with Secretary Clinton. I didn't know she had been asked to go on the shows. This was in the morning, Friday morning. I was asked Friday afternoon, late afternoon. And up until that point, I had no knowledge of Sunday shows, her -- the request to me or the request to her.

Chairman Gowdy. So the first phone call you got from Ben Rhodes alerting you to at least be open to the possibility was after your meeting with Secretary Clinton.

Ms. Rice. Many hours after.

Chairman Gowdy. Okay. Did you think about calling her and saying, "Look, I have been asked to do this; I know you had a terrible week; I have had a terrible week too; why am I doing this?"

Ms. Rice. No, I didn't call. I saw her subsequently at the DV lounge at Andrews, but we didn't talk about it.

Chairman Gowdy. Do you know if anyone other than Secretary of State Clinton was asked to go on the shows?

Ms. Rice. I am not certain.

Chairman Gowdy. Alright. Thank you.

Mr. Jordan. Let me just be clear on that. So you meet with Secretary Clinton. You can't recall what you discussed in that meeting. You get a call on the way to Andrews from Ben Rhodes saying: Hey, Ambassador, we may need you to go on the shows. We may ask you to go on the shows because the Secretary may not.

On the way to Andrews, you get that phone call.

Ms. Rice. That's right, sir.

Mr. Jordan. And then you get to Andrews, and you have a conversation with Secretary Clinton.

Ms. Rice. No. I get to Andrews, just to be clear -- I don't mean to interrupt; I apologize -- and I am among a number of senior U.S. officials who were there for the ceremony and who were there to express our condolences to the families.

Mr. Jordan. I understand.

Ms. Rice. I don't recall having a specific conversation with her, though I am sure I interacted with her in terms of at least pleasantries as we were greeting the families.

Mr. Jordan. And then after that service is complete, you didn't have any conversation with Secretary Clinton then?

Ms. Rice. No, I didn't that day or before going on the shows.

BY MR. MISSAKIAN:

Q Ambassador Rice, just a couple of questions, and then we will finish up and turn it over to the minority. The former Deputy Director of the CIA, Michael Morell, has stated publicly that the CIA talking points, or HPSCI talking points, did not mention the video as a motive for the attackers in Benghazi. And if you read it, there is no mention of the video. Would you agree with that?

A Yes.

Q And, previously, we had looked at exhibit 3, which is a set of -- another set of talking points from the National Counterterrorism Center.

A You are going to have to remind me.

Mr. Sauber. Here we go.

Ms. Rice. Okay.

BY MR. MISSAKIAN:

Q And you are familiar with the NCTC?

A I am familiar with the organization, yes, of course.

Q Certainly. It's part of the U.S. intelligence community?

A Yes, sir.

Q And this email was sent out on September 15th, at 11:15 a.m., the same day that you received the HPSCI talking points. And at the bottom, the very last sentence says: "We are very cautious about drawing any firm conclusions at this point" --

A I am sorry, where -- the bottom of the first page.

Q Very bottom of the first page. "We are very cautious about drawing any firm conclusions at this point with regard to the identification and motivation of the attackers." So, even here, the NCTC is not connecting the video to what occurred in Benghazi. And Michael Morell, as I said, has stated that the CIA did not blame the video for what occurred in Benghazi.

So as we wrap this up, can you just explain to us the process that you went through in reading the talking points and then going on television and making a number of statements where you appeared to say that the video was -- attack in Benghazi was a direct result of what you called the heinous and offensive video?

Mr. Sauber. Just so I am clear, you are not suggesting that this was sent to her, exhibit 3, or that she saw it.

Mr. Missakian. I am not.

Ms. Rice. I have never seen this.

Mr. Missakian. That was very clear when I showed it to you, that you have never seen that. And we understand that. But I am just pointing this out to suggest that at least within the U.S. intelligence community, it appears that they were not prepared to go as far as you did on the talk shows. And I am wondering how that happened.

Ms. Rice. First of all, I don't know the progeny of this or its context. So I can't comment on that.

What I can say is that I -- we have been through this, but I was very careful to link the video to what happened in Cairo and to other posts around the world. I did not say that the attack on Benghazi was directly caused by the video.

Mr. Missakian. Okay. Thank you. Understand.

Any other questions?

Thank you. We are done.

Chairman Gowdy. Thank you.

[Discussion off the record.]

Ms. Sawyer. We can go back on the record if everyone is ready.

So I wanted to show you what we are going to mark as exhibit No. 11 for identification purposes. And let me just identify this for the record.

[Rice Exhibit No. 11
was marked for identification.]

BY MS. SAWYER:

Q This is an excerpt from a public hearing held before the House Permanent Select Committee on Intelligence on April 2nd, 2014. This excerpt, I just wanted to direct your attention to page 13. And this is just with relation to a question you were just asked in the last hour by Representative Pompeo about testimony with regard to people within the intelligence community being shocked by what they heard you say on the Sunday talk shows. So about halfway down the page, Mr. Morell is talking about a report that had come in from the chief of station. And I will give you a moment just to read through that page and onto page 14. And then I just wanted to ask you a question.

Mr. McQuaid. She will answer, as she did with the majority, just consistent with -- she can respond to it, but, obviously, any information is about what she knew at the time of the 11th through the 16th.

Ms. Rice. Go ahead?

BY MS. SAWYER:

Q So just directing your attention to the bottom of what is page 13 here, Mr. Morell is explaining that at the time -- and this was around the time of your appearance on the Sunday talk shows -- the analysts said that there was a protest, quote: "I also believed it to be a terrorist attack. You see, we never say those two things as mutually exclusive. And so I believe both of those at the same time."

Mr. Rogers then asks: "Knowing what you know now, would you have been surprised that many of the eyewitnesses that we have talked to

said they were surprised by the narrative on Sunday the 16th? They were shocked, members of your organization, that were -- I think the word was shocked."

Mr. Morell, who was then Deputy Director of the CIA said, quote, "Yeah, I'm a little surprised by that, quite frankly, because if they were members of my organization, then they would have seen the analysis written on the 13th that said there was a protest and said the attack evolved spontaneously from the protest. So if they were shocked on Sunday when they heard that, they should have been shocked on Thursday, the 13th, when they read it," end quote.

So you were just asked the question about -- the hypothesis was posited to you that we had heard testimony that individuals within the intelligence community were shocked. Mr. Morell was asked that same question when he was in a public hearing on April 2nd, 2014. So I think that's almost 2 years ago. He then explained that if they were shocked when they saw you, they should have been shocked when they actually read -- as I read this -- when they read their own assessments that were circulated through the intelligence community. Would that have kind of paralleled what you have explained to us today in terms of what you were seeing in those talking points was consistent with the intelligence community's assessment through that week?

A Yes. As I have said throughout, I was confident that the talking points that I was provided for the Sunday shows on the 16th indeed reflected our current best assessment, because I had seen very similar analysis and indeed much the same language in finished

intelligence products that had been provided to me in the days leading up to my Sunday show appearances.

Q So to the extent this committee has in fact heard any testimony that anyone in the intelligence community was shocked, would this statement that if they were shocked from what they heard from you on Sunday, if that shocked them, then they also should have been shocked when they were reading the intelligence products that were being created by them and circulated by the intelligence community, including the CIA?

A That would be my judgment, that because they were substantially the same, they should have been shocked when they initially heard it.

Q So you have been asked a number of questions about the Sunday talk shows, including the questions I just asked you. And you have been very, I think, clear with us that when speaking specifically on Benghazi, you were adhering as closely as you felt possible in an unclassified setting to both what is in that HPSCI -- in the HPSCI talking points. Is that accurate?

A Yes, it's very accurate.

Q And that you have been asked -- I think really only given one instance where you were asked about the broader regional unrest and protests more broadly, and in that context, the precursor statement was Cairo, Libya. I think added in were Khartoum and Tunisia.

A And I said many other places around the region. So I was referring to the broad swath of protests in that statement.

Q And you had, when you were speaking with the ranking member, you had said you did not deliberately mislead because at the time, you -- I think, as you phrased it, you said you did not know that there were no protests. I think the affirmative way of saying that would be that you believed there was, consistent with what the HPSCI talking points said, a protest in Benghazi.

A I believed our current best assessment was that there was a protest at our facility in Benghazi, not only because it was in the talking points but because it was the latest information that I had received in my intelligence briefings.

Q And so, certainly, in talking about protests that occurred throughout that region, it was not inaccurate to include Benghazi as a place where protests had occurred as to the best assessment at the time?

A We believed protests had occurred in Benghazi as well as elsewhere.

Q And in discussing the underlying cause for protests throughout that region, was it the best assessment at the time that protests throughout that region had indeed been caused by the offensive video?

A I was referring to Cairo. I was linking the video to Cairo and to the other places around the world.

Q And had any other reason been given for the unrest in those places than the video deemed offensive to Muslims?

A My understanding of our best assessment was that indeed the

protests around the world, including in Cairo, were linked to the video.

BY MS. SACHSMAN GROOMS:

Q Okay. So, at this point, we are about to wrap up. I am going to try to go through the same set of questions that we ask all the witnesses that come before us. I understand that we have some specific understandings about scope. So certainly when listening to these questions, please do not respond with anything that's related to your current job. I am not talking about your current role as the National Security Advisor. Most of these are pertaining to that time period in the night of the attacks and that week afterwards. And I am asking for whether you have any personal knowledge or evidence of a series of things. And so if you don't, you can just answer no.

I am going to start with the one about you. It's been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks. Do you have any evidence that you intentionally misrepresented facts about the Benghazi attacks on Sunday talk shows?

A I did not.

Q So that's a no. No evidence.

A Not only do I have no evidence, I know I did not.

Q Excellent.

On a similar point, it's been alleged that CIA Deputy Director Michael Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully

performed our duties in accordance with the highest standards of objectivity and nonpartisanship." Do you have any evidence that CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No, I do not.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided to Congress for political reasons?

A No, I do not.

Q It's been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that Secretary Clinton told Leon Panetta to stand down, and this resulted in the Defense Department not sending more assets to help in Benghazi. Do you have any evidence that Secretary of State Clinton ordered Secretary of Defense Panetta to stand down on the night of the attacks?

A No, I do not.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A No, I do not.

Q It has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims. Do you have any evidence that

Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

Mr. McQuaid. Can we go off the record?

Ms. Sachsman Grooms. Uh-huh.

[Discussion off the record.]

Ms. Sachsman Grooms. Back on the record.

BY MS. SACHSMAN GROOMS:

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A No.

Q It's been alleged -- a team of CIA security personnel was temporarily delayed from departing the Annex to assist the Special Mission Compound. There have been a number of allegations about the cause of and appropriateness of the delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down, but that instead there were tactical disagreements on the ground over how quickly to depart. Do you have any -- this is back to that same time period. Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no standdown order to CIA personnel?

A I do not.

Q Putting aside whether you personally agree with the decision to delay temporarily or think it was the right decision, do you have any evidence that there was a bad or improper reason behind

the temporary delay of the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A I do not.

Q It's been alleged that the President of the United States was virtually AWOL as Commander in Chief on the night of the attacks and that he was missing in action. Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No, I do not.

Q It has been alleged that a team of four military personnel at the Embassy Tripoli on the night of the attacks were considering flying on the second plane to Benghazi, were ordered by their superiors to stand down, meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to remain in place in Tripoli to provide security and medical assistance in their current location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no standdown order issued to the U.S. military personnel in Tripoli who sought to join the fight in Benghazi," end quote. Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no standdown order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No, I do not.

Q It has been alleged that the military failed to deploy

assets on the night of the attack that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did." Do you have any evidence to contradict Congressman McKeon's conclusion?

A No, I do not.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives, but that the Pentagon leadership intentionally decided not to deploy?

A No, I do not.

Ms. Sawyer. Before we go, we have asked you a number of different questions. I would just like to give you an opportunity if there is anything that you would like to add or have us know before we let you go to your appointment.

Ms. Rice. I would just like to say that what is most painful to me and my colleagues in the State Department is the loss of our four colleagues on that tragic day. And as I have said, in my case, I had a working relationship with and was very fond of Ambassador Stevens. And in all of our discussion today, I think we have devoted precious little attention to the import of that loss and to what could be done differently in the future to protect our diplomats and development workers as well as our military personnel in harm's way. And that's

what I am most concerned about, and that's what I hope will come out of the work you have been doing.

Ms. Sawyer. We appreciate that very much. And, again, we do appreciate your time and the accommodations to come and speak with us voluntarily and answer our questions. So thank you for that and your service to our country.

Ms. Sachsman Grooms. Let's go off the record.

[Whereupon, at 2:24 p.m., the interview was concluded.]

EXHIBIT 1

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[redacted]

From: [redacted]
Sent: Tuesday, September 11, 2012 7:55 PM
To: Rice, Susan E (USUN); USUN-SER Briefing Book-DL; [redacted] (USUN)
Subject: FOR SER INFO: More on Cairo Embassy Attack

Susan,

Some more detail on the attack on the Embassy Cairo beyond the press coverage you may have already seen:

2000 protesters total. 20 got to the top of the wall, 10 got inside the perimeter - they tore down the flag and sprayed graffiti inside the compound. They went after employee cars as well.

Limited police response until Patterson (in Washington) called the Prime Minister (reportedly the new government thought we had our own police inside the Embassy). Egyptian police did finally move the protesters off the compound peacefully. All employees safe and accounted for.

Protest was over the (rather low budget) Prophet Mohammed video produced in part by Pastor Terry Jones of Quran burning fame.

[redacted]

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 2

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

From: Rice, Susan E (USUN)
Sent: Thursday, September 13, 2012 11:30 AM
To: [redacted]@state.gov>
Subject: Re: Rock Center with Brian Williams

No thanks.

From:[redacted]
Sent: Thursday, September 13, 2012 11:09 AM
To: Rice, Susan E (USUN)
Cc: [redacted]
Subject: Rock Center with Brian Williams

Susan,

Per our discussion yesterday, the producer for Rock Center, which airs at 10 pm ET on Thursdays, would still like to take you on the show--even from Washington-- **live at 10 pm tonight**. Before I raise with the White House, I wanted to see if you were still interested in pursuing this. The topic would be Libya and likely, depending on developments throughout the day today, the widening ring of violence against American outposts.

This is a great opportunity, but one that comes with not insignificant pitfalls. There remain many unanswered questions. There are significant political dimensions to this story. At the same time, such an interview provides an opportunity to frame the latest developments in our terms, rather than cede the space to others who may or may not see things the way we do.

By the way, the focus of tonight's show is on Brian William's interview with Justin Bieber. There will also be a segment on internet addiction and political gaffes.

Please let me know if you are interested in pursuing further, pending agreement by the WH. NBC is hoping to get an initial indication from us as soon as possible.

[redacted]

[redacted] | Director of Communications and Spokesperson | U.S. Mission to the United Nations
O: 212-415-4148 | [redacted] Email: [redacted]@state.gov | Twitter: [redacted]

This email is UNCLASSIFIED.

STATE DEPT. - REPRODUCED TO HOUSE SELECT BENGHAZI COMMITTEE.
REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

EXHIBIT 3

UNCLASSIFIED

From: Matthew G. Olsen
Date: 09/15/2012 11:15 AM

Subject: [AIN] RE:
To: 'Rhodes, Benjamin J.', MICHAEJM , Robert Cardillo, Alan R Pino sullivanjj[redacted] mark.giuliano[redacted] icing[redacted] lisa.monaco[redacted]
Cc: CIA OCA/OPA CIA FO [redacted] FO.

Please respond to "Matthew G. Olsen"

CLASSIFICATION: UNCLASSIFIED

[redacted]

Michael -- This looks good to me.

-Matt

****

These are the points that ONDI leg sent to Ruppersberger yesterday afternoon based on his request:

It's very early, less than 72 hours since the attack. So there is a lot we don't know.

As time progresses, we are learning more, but we still don't have a complete picture of what happened. Fortunately we have the FBI leading the investigation of the attack. Regrettably they have all too much experience in these matters.

At this point, we are not aware of any actionable intelligence that this attack was planned or imminent. The intelligence community is combing through reporting from before and after the attack to determine the full extent of who was involved.

Libya is awash in weapons - unconventional weapons were stored in unsecured locations across the country. Following the revolution, there are still many well-armed militia remaining.

Since the revolution, we have some indicators al-Qa'ida and other groups are seeking to establish a presence in Libya. Remember some senior al-Qa'ida members such as Abu Yahya al-Libi came from Libya.

We are very cautious about drawing any firm conclusions at this point with regard to the identification and motivation of the attackers. The IC is

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working aggressively to this end, and the FBI will continue its investigation.

Unrest in the Middle East creates a permissive environment for terrorists. In the days and weeks ahead, we need to be especially vigilant in protecting our people.

-----Original Message-----
From: Rhodes, Benjamin J. [mailto:Benjamin_J._Rhodes
Sent: Saturday, September 15, 2012 11:12 AM
To: MICHAEJM; Robert Cardillo; Alan R Pino; Matthew G. Olsen; sullivanjj mark.giuliano jcingli lisa.monaco
Cc: CIA OCA/OPA CIA FO
Subject: RE:

This is good by me.

-----Original Message-----
From: michaejm@ucia.gov [mailto:michaej
Sent: Saturday, September 15, 2012 11:08 AM
To: Robert.Cardillo alanrp matt.olsen sullivanjj mark.giuliano Rhodes, Benjamin J.; jcingli lisa.monaco
Cc: CIA OCA/OPA CIA FO
Subject:

Per the discussion at Deputies, here are the revised TPs for HPSCI. Let me know what you think.

--The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

--This assessment may change as additional information is collected and analyzed and as currently available information continues to be evaluated.

--The investigation is on-going, and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths US citizens.

UNCLASSIFIED

EXHIBIT 4

Friday, September 14th 2012, 11:15 a.m.

- We believe based on currently available information that the attacks in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. Consulate and subsequently its annex.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. That being said, we do know that Islamic extremists with ties to al-Qa'ida participated in the attack.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread Sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
- The wide availability of weapons and experienced fighters in Libya almost certainly contribute to the lethality of the attacks.
- Since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out the individuals has previously surveilled the U.S. facilities, also contributing to the efficacy of the attacks.
- We are working w/ Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of U.S. citizens.

12:23 p.m.

- We believe based on currently available information that the attacks in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. That being said, we do know that Islamic extremists with ties to al-Qa'ida participated in the attack.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread Sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.

- The wide availability of weapons and experienced fighters in Libya almost certainly contribute to the lethality of the attacks.
- Since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out the individuals has previously surveilled the U.S. facilities, also contributing to the efficacy of the attacks.
- We are working w/ Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of U.S. citizens.

4:42 p.m.

- The ~~We believe based on~~ currently available information suggests that the demonstrations ~~attacks~~ in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we warned of social media reports calling for a demonstration in front of the Embassy and that jihadists were threatening to break into the Embassy.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is ongoing as to who is responsible. That being said, we do know that Islamic extremists ~~with ties to al-Qa'ida~~ participated in the ~~attack~~ violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread Sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
- The wide availability of weapons and experienced fighters in Libya almost certainly contribute to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qa'ida in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out the individuals has previously surveilled the U.S. facilities, also contributing to the efficacy of the attacks.
- The U.S. Government is ~~We are~~ working w/ Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of U.S. citizens.

5:09 p.m.

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we warned of social media reports calling for a demonstration in front of the Embassy and that jihadists were threatening to break into the Embassy.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is ongoing as to who is responsible for the violence. That being said, we do know that Islamic extremists participated in the violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread Sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
- The wide availability of weapons and experienced fighters in Libya almost certainly contribute to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qa'ida in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out the individuals has previously surveilled the U.S. facilities, also contributing to the efficacy of the attacks.
- The U.S. Government is working w/ Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of U.S. citizens.

6:21 p.m.

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we warned of social media reports calling for a demonstration in front of the Embassy Cairo and that jihadists were threatening to break into the Embassy.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is ongoing as to who is responsible for the violence. That being said, we do know that Islamic extremists participated in the violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread Sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
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- The U.S. Government is working w/ Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of U.S. citizens.

6:41 p.m.

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we notified Embassy Cairo ~~warned~~ of social media reports calling for a demonstration and encouraging ~~in front of the Embassy Cairo and that~~ jihadists ~~were threatening~~ to break into the Embassy.

- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is ongoing as to who is responsible for the violence. That being said, we do know that Islamic extremists participated in the violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread Sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
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- The U.S. Government is working w/ Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of U.S. citizens.

6:52 p.m.

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we notified Embassy Cairo of social media reports calling for a demonstration and encouraging jihadists to break into the Embassy.
- ~~The crowd almost certainly was a mix of individuals from across many sectors of Libyan society.~~ The investigation is ongoing as to who is responsible for the violence, although the crowd almost certainly was a mix of individuals. ~~That being said,~~ We do know that Islamic extremists participated in the violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread Sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.

- The wide availability of weapons and experienced fighters in Libya almost certainly contribute to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qa'ida in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out the individuals has previously surveilled the U.S. facilities, also contributing to the efficacy of the attacks.
- The U.S. Government is working w/ Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of U.S. citizens.

8:59 p.m.

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September the Agency ~~we~~ notified Embassy Cairo of social media reports calling for a demonstration and encouraging jihadists to break into the Embassy.
- The investigation is ongoing as to who is responsible for the violence, although the crowd almost certainly was a mix of individuals. That being said, there are indications ~~we do know~~ that Islamic extremists participated in the violent demonstrations.
- ~~Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread Sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.~~
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- The U.S. Government is working w/ Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of U.S. citizens.

Saturday, September 15th 9:45 a.m.

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. ~~On 10 September the Agency notified Embassy Cairo of social media reports calling for a demonstration and encouraging jihadists to break into the Embassy.~~
- The investigation is ongoing ~~as to who is responsible for the violence, although the crowd almost certainly was a mix of individuals. That being said, there are indications that Islamic extremists participated in the violent demonstrations.~~
- ~~The wide availability of weapons and experienced fighters in Libya almost certainly contribute to the lethality of the attacks.~~
- ~~The Agency has produced numerous pieces on the threat of extremists linked to al-Qa'ida in Benghazi and eastern Libya. Since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out the individuals has previously surveilled the U.S. facilities, also contributing to the efficacy of the attacks.~~
- The U.S. Government is working w/ Libyan authorities ~~and intelligence partners in an effort~~ to help bring to justice those responsible for the deaths of U.S. citizens.

11:08 a.m.

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. Consulate and subsequently its annex. There are indications that extremists participated in the violent demonstrations.
- This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated.

- The investigation is ongoing, and the U.S. Government is working w/ Libyan authorities to help bring to justice those responsible for the deaths of U.S. citizens.

11:26 a.m.

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the U.S. Embassy in Cairo and evolved into a direct assault against the U.S. diplomatic post ~~Consulate~~ and subsequently its annex. There are indications that extremists participated in the violent demonstrations.
- This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated.
- The investigation is ongoing, and the U.S. Government is working w/ Libyan authorities to help bring to justice those responsible for the deaths of U.S. citizens.

EXHIBIT 5

113th Congress
2d Session

SENATE

S. Report
113–134

REPORT

of the

U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE

REVIEW

of the

TERRORIST ATTACKS ON U.S. FACILITIES IN BENGHAZI, LIBYA, SEPTEMBER 11–12, 2012

together with

ADDITIONAL VIEWS

January 15, 2014.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 2014

APPENDIX I: The Benghazi Talking Points

On September 15, 2012, the CIA provided the HPSCI and the SSCI with unclassified talking points for Members' use in media and public statements regarding the September 11, 2012, terrorist attacks in Benghazi, Libya. The talking points were requested by the HPSCI during a meeting with then-CIA Director Petraeus on Friday, September 14, 2012. As made clear by 100 pages of emails released by the Obama Administration on May 15, 2013,[136] the talking points were then also provided to U.S. Ambassador to the UN, Susan Rice, in her appearances on several television talk shows on Sunday, September 16, 2012. The contents of the talking points and Rice's comments in her public appearances generated significant controversy, including in Congress. As discussed in more detail below, the SSCI devoted considerable staff time and held three closed briefings for Members to address the Benghazi talking points issue.

The final, unclassified version of the CIA talking points, as provided to HPSCI on September 15, 2012, read as follows:

> **—The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations.**
>
> **—This assessment may change as additional information is collected and analyzed as currently available information continues to be evaluated.**
>
> **—The investigation is ongoing and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths of US citizens.**

[136] ABC News, "White House Benghazi Emails," accessed December 3, 2013, http://abcnews.go.com/images/Politics/white-house-benghazi-emails.pdf

SSCI Actions to Review the Talking Points

The SSCI conducted two closed, on-the-record sessions and one unrecorded session regarding the Benghazi talking points with the General Counsel of the ODNI, Robert Litt. Two similar on-the-record sessions occurred on January 3, 2013, the first with Litt and Chairman Feinstein and the second with Litt and Vice Chairman Chambliss, due to scheduling conflicts. Limited IC and SSCI staff were present at each session, but the transcript was made available to all SSCI members and staff. During the January 3 sessions, Litt went through the evolution of what he said were eleven different drafts of the talking points, starting on September 14 through the final version on September 15, 2012. He provided a summary document he created showing the changes made to each draft, without email time stamps and sender/recipient information because the Administration, claiming privilege, would not provide the Committee the opportunity to look at the actual emails. Members were not allowed to keep that handout, but staff were allowed to take notes.

A third Members-only session with Litt, which was not recorded, took place on February 26, 2013. During that session, Litt shared with Members copies of nearly 100 pages of emails associated with the interagency coordination process that took place in drafting the talking points. (Redacted versions of these emails were then made public by the Administration on May 15, 2013.) Litt also shared details about which individuals or agencies made changes to the points, when those changes occurred, and the nature of the changes. Members had to return the copies of the emails to Litt at the end of the briefing. Staff access to this briefing was strictly limited to both the Majority and Minority Staff Directors plus one additional staffer per side.

Members also asked questions about the talking points in open and closed hearings of the SSCI on multiple occasions, and staff submitted several formal questions for the record and informal inquiries to the IC about the issue. In some cases, the testimony of senior IC officials about the talking points was poorly informed or confusing, creating further uncertainty among Members and staff. Chairman Feinstein and Vice Chairman Chambliss also wrote to the DNI on two occasions—December 4, 2012, and January 30, 2013—specifically requesting full documentation on the changes made to the talking points.

This Committee faced significant resistance from the Administration in getting access to the emails and documentation that Mr. Litt ultimately provided on February 26, 2013, and that were then made public—in redacted form—on May 15, 2013. This resistance was apparently based, in part, on Executive branch concerns related to executive privilege and the deliberative process which appeared to evaporate when the emails were made public. However, it also served to exacerbate the controversy surrounding the talking points, prolonged media and public speculation, and raised questions of trust of the IC as Members attempted to extract information. This matter could have been mitigated much sooner if the Executive branch had promptly provided the email documentation that was ultimately given to SSCI on February 26th and made public on May 15th.

Analysis of the Talking Points

Below is the timeline of the twelve changes to the CIA talking points, as assembled from the 100 pages of emails made public by the Administration on May 15, 2013.[137] The timeline is in 12-point font to facilitate comparison to the publicly available summary document about the creation of the CIA talking points, which was created by Robert Litt.[138]

1) Fri., Sept. 14th 2012, 11:15 a.m.—written by Director, CIA Office of Terrorism Analysis

- We believe based on currently available information that the attacks in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. That being said, we do know that Islamic extremists with ties to al-Qa'ida participated in the attack.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that the [sic] its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's facebook page aims to spread *sharia* in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.

[137] Emails on CIA Talking Points, accessed December 5, 2013, http://abcnews.go.com/images/Politics/white-house-benghazi-emails.pdf
[138] ABC News, "CIA Benghazi Talking Points Timeline," accessed December 5, 2013, http://abcnews.go.com/images/Politics/Benghazi%20Talking%20Points%20Timeline.pdf

[redacted]

- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- Since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- We are working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

2) 12:23 p.m.—addition made by CIA's Office of General Counsel

- We believe based on currently available information that the attacks in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. That being said, we do know that Islamic extremists with ties to al-Qa'ida participated in the attack.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that the [sic] its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's facebook page aims to spread *sharia* in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- Since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack of the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- We are working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

3) 4:42 p.m.—edits made by CIA's (1) Office of Public Affairs & (2) Congressional Affairs

- The ~~We believe based on~~ currently available information suggests that the demonstrations ~~attacks~~ in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is

[redacted]

[redacted]

collected and analyzed and currently available information continues to be evaluated. On 10 September we warned of social media reports calling for a demonstration in front of the Embassy and that jihadists were threatening to break into the Embassy.

- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is on-going as to who is responsible. That being said, we do know that Islamic extremists ~~with ties to al-Qa'ida~~ participated in the ~~attack~~ violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that ~~the~~ its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- The US Government is ~~We are~~ working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

4) 5:09 p.m.—edits made by CIA Deputy Director Mike Morell before being sent outside CIA for first time

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we warned of social media reports calling for a demonstration in front of the Embassy and that jihadists were threatening to break into the Embassy.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is on-going as to who is responsible for the violence. That being said, we do know that Islamic extremists participated in the violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread sharia in Libya

[redacted]

[redacted]

and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.

- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- The US Government is working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

5) 6:21 p.m.—edit made by Tommy Vietor, Spokesman for the National Security Staff

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we warned of social media reports calling for a demonstration in front of Embassy Cairo and that jihadists were threatening to break into the Embassy.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is on-going as to who is responsible for the violence. That being said, we do know that Islamic extremists participated in the violent demonstrations.
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- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.

[redacted]

[redacted]

- The US Government is working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

6) 6:41 p.m.—edits made by Shawn Turner, ODNI Spokesman

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we notified Embassy Cairo ~~warned~~ of social media reports calling for a demonstration and encouraging ~~in front of the Embassy Cairo and that~~ jihadists ~~were threatening~~ to break into the Embassy.
- The crowd almost certainly was a mix of individuals from across many sectors of Libyan society. The investigation is on-going as to who is responsible for the violence. That being said, we do know that Islamic extremists participated in the violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- The US Government is working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

7) 6:52 p.m.—edits made by Tommy Vietor on behalf of Assistant to the President for Homeland Security and Counterterrorism, John Brennan

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September we notified Embassy Cairo of

[redacted]

[redacted]

social media reports calling for a demonstration and encouraging jihadists to break into the Embassy.

- ~~The crowd almost certainly was a mix of individuals from across many sectors of Libyan society.~~ The investigation is on-going as to who is responsible for the violence, although the crowd almost certainly was a mix of individuals. ~~That being said,~~ We do know that Islamic extremists participated in the violent demonstrations.
- Initial press reporting linked the attack to Ansar al-Sharia. The group has since released a statement that its leadership did not order the attacks, but did not deny that some of its members were involved. Ansar al-Sharia's Facebook page aims to spread sharia in Libya and emphasizes the need for jihad to counter what it views as false interpretations of Islam, according to an open source study.
- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. These noted that, since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- The US Government is working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

8) 8:58 p.m.—first two edits suggested by FBI, all made by CIA's Office of Public Affairs

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. On 10 September the Agency ~~we~~ notified Embassy Cairo of social media reports calling for a demonstration and encouraging jihadists to break into the Embassy.
- The investigation is on-going as to who is responsible for the violence, although the crowd almost certainly was a mix of individuals. That being said, there are indications ~~we do know~~ that Islamic extremists participated in the violent demonstrations.
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[redacted]

[redacted]

- The wide availability of weapons and experienced fighters in Libya almost certainly contributed to the lethality of the attacks.
- The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. ~~These noted that,~~ Since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.
- The US Government is working with Libyan authorities and intelligence partners in an effort to help bring to justice those responsible for the deaths of US citizens.

9) Saturday, Sept. 15th 9:45 a.m.—edits made by CIA Deputy Director Mike Morell

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex.
- This assessment may change as additional information is collected and analyzed and currently available information continues to be evaluated. ~~On 10 September the Agency notified Embassy Cairo of social media reports calling for a demonstration and encouraging jihadists to break into the Embassy.~~
- The investigation is on-going, and ~~as to who is responsible for the violence, although the crowd almost certainly was a mix of individuals. That being said, there are indications that Islamic extremists participated in the violent demonstrations.~~
- ~~The wide availability of weapons and experienced fighters in Libya almost certainly contribute to the lethality of the attacks.~~
- ~~The Agency has produced numerous pieces on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. Since April, there have been at least five other attacks against foreign interests in Benghazi by unidentified assailants, including the June attack against the British Ambassador's convoy. We cannot rule out that individuals had previously surveilled the US facilities, also contributing to the efficacy of the attacks.~~ the US Government is working with Libyan authorities ~~and intelligence partners in an effort~~ to ~~help~~ bring to justice those responsible for the deaths of US citizens.

10) 11:08 a.m.—edits made by CIA Deputy Director Mike Morell

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex. There are indications that extremists participated in the violent demonstrations.

[redacted]

[redacted]

- This assessment may change as additional information is collected and analyzed and as currently available information continues to be evaluated.
- The investigation is on-going, and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths US citizens.

11) 11:25 a.m.—edits made by Deputy National Security Adviser Ben Rhodes

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US diplomatic post in Benghazi ~~Consulate~~ and subsequently its annex. There are indications that extremists participated in the violent demonstrations.
- This assessment may change as additional information is collected and analyzed and as currently available information continues to be evaluated.
- The investigation is on-going, and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths US citizens.

12) 11:26 a.m.—edits made by State Department official Jake Sullivan

- The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US diplomatic post in Benghazi and subsequently its annex. There are indications that extremists participated in the violent demonstrations.
- This assessment may change as additional information is collected and analyzed and as currently available information continues to be evaluated.
- The investigation is on-going, and the US Government is working with Libyan authorities to bring to justice those responsible for the deaths of US citizens.

[redacted]

EXHIBIT 6

REVIEWED FOR SENSITIVE AND CLASSIFIED INFORMATION PURSUANT TO MOU. NO FOIA WAIVER.

[redacted]

From: [redacted]
Sent: Wednesday, September 19, 2012 4:31 PM
To: [redacted]; Nuland, Victoria J
Subject: 2012-09-16 - Amb Rice - Sunday Shows.docx
Attachments: 2012-09-16 - Amb Rice - Sunday Shows.docx

AttachmentsClassification:
UNCLASSIFIED
Classification: UNCLASSIFIED
SMARTCategory: Working
SMARTClassificationData:


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EXHIBIT 7

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[redacted]

From: [redacted]
Sent: Wednesday, September 12, 2012 7:34 PM
To: Koh, Harold Hongju; [redacted]
Subject: FW: BACKGROUND BRIEFING: Senior Administration Officials To Update Recent Events in Libya

All – I'm sending this along for your awareness, not sure whether you might have otherwise received it.

[redacted]
Special Assistant
Office of the Legal Adviser
U.S. Department of State
tel: (202) 647-7970

From: State Department Press Office [mailto:Press@state.gov]
Sent: Wednesday, September 12, 2012 6:42 PM
To: State Department Press Office
Subject: BACKGROUND BRIEFING: Senior Administration Officials To Update Recent Events in Libya

U.S. DEPARTMENT OF STATE
Office of the Spokesperson

For Immediate Release
September 12, 2012
2012/1424

BACKGROUND BRIEFING

Senior Administration Officials
To Update Recent Events in Libya

September 12, 2012
Via Teleconference

SENIOR ADMINISTRATION OFFICIAL ONE: Thank you, Operator, and thanks to all of our journalists for joining us on this very, very difficult day. We thought it was important to give you a little bit more information about what we knew when we knew it to help shape your understanding of the tragic events in Benghazi. Here with me I will hereafter be Senior Administration Official Number One. That's [title withheld]. I also have with me [Senior Administration Official Two], hereafter Senior Administration Official Number Two. And we also have [Senior Administration Official Three], hereafter Senior Administration Official Number Three.

Let me just give you some framing points. First of all, we want to make clear that we are still here today operating within the confusion of first reports. Many details of what happened in Benghazi are still unknown or unclear. The account we're going to give you endeavors to reconstruct the events of last night to the best of our ability now. And again, this reflects our current accounting of events. These are first reports, and so the facts could very well change as we get a better understanding.

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Let me also give you a little better understanding about our office conditions in Benghazi. The facility that we are working in is an interim one. We originally acquired the property before the fall of Qadhafi. It includes a main building and several ancillary buildings, and then there was also an annex a little bit further away.

So let me give you a little bit of the chronology to the best of our knowledge. Again, the times are likely to change as it becomes a little bit more precise, but this is how we've been able to reconstruct what we have from yesterday.

At approximately 4 p.m. Eastern Daylight Time yesterday, which was about 10 p.m. in Libya, the compound where our office is in Benghazi began taking fire from unidentified Libyan extremists. By about 4:15, the attackers gained access to the compound and began firing into the main building, setting it on fire. The Libyan guard force and our mission security personnel responded. At that time, there were three people inside the building: Ambassador Stevens, one of our regional security officers, and Information Management Officer Sean Smith. They became separated from each other due to the heavy, dark smoke while they were trying to evacuate the burning building. The Regional Security Officer made it outside, and then he and other security personnel returned into the burning building in an attempt to rescue Chris and Sean. At that time, they found Sean. He was already dead, and they pulled him from the building. They were unable, however, to locate Chris before they were driven from the building due to the heavy fire and smoke and the continuing small arms fire.

At about 4:45 our time here in Washington, U.S. security personnel assigned to the mission annex tried to regain the main building, but that group also took heavy fire and had to return to the mission annex. At about 5:20, U.S. and Libyan security personnel made another attempt and at that time were able to regain the main building and they were able to secure it. Then, due to continued small arms fire, they evacuated the rest of the personnel and safe havened them in the nearby annex.

The mission annex then came under fire itself at around 6 o'clock in the evening our time, and that continued for about two hours. It was during that time that two additional U.S. personnel were killed and two more were wounded during that ongoing attack.

At about 8:30 p.m. our time here in Washington, so now 2 o'clock in the morning in Libya, Libyan security forces were able to assist us in regaining control of the situation. At some point in all of this – and frankly, we do not know when – we believe that Ambassador Stevens got out of the building and was taken to a hospital in Benghazi. We do not have any information what his condition was at that time. His body was later returned to U.S. personnel at the Benghazi airport.

Later that evening, we were able to bring our chartered aircraft from Tripoli into Benghazi to evacuate all of our Benghazi personnel back to Tripoli. This evacuation, which had to occur in a couple of planeloads, included all of our American Benghazi personnel, including the three wounded, and the remains of our fallen colleagues. They are now in the process – that same staff – of being evacuated to Germany. The staff that is well is going to stay in Europe on standby for a while while we assess the security situation in the coming period. The wounded will be treated in Germany, and the remains will come home, and we'll advise you of when that will be as soon as we know.

In the meantime, we have taken our Embassy in Tripoli down to emergency staffing levels. We have reduced the staff down to what we call emergency staffing levels. And we have requested increased support from the Libyans while we assess the security situation.

I would also like to advise you that last night, all of our diplomatic posts around the world were ordered to review their security posture and to take all necessary steps to enhance it if those were deemed necessary. I'd like to now turn it over to Senior Administration Official Number Three for some remarks on what his agency has been up to.

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SENIOR ADMINISTRATION OFFICIAL THREE: Thank you, [Senior Administration Official One]. Along with President Obama and Secretary Clinton, Secretary Panetta condemns the attack on the U.S. diplomatic facility in Benghazi in the strongest possible terms. The Secretary also extends his deepest sympathies to the families of the victims and to the entire State Department family.

General Carter Ham, Commander, U.S. Africa Command, briefed the Secretary on the situation last night, and the Secretary has received regular updates since then. DOD is working closely with the White House and State Department to provide all necessary resources to support the security of U.S. personnel in Libya. This support includes a Marine Corps fleet antiterrorism security team based out of Europe. The mission of this team is to secure the diplomatic facility in Tripoli, our Embassy, and protect U.S. citizens as needed.

~~DOD is also providing support to evacuate American personnel and casualties out of Libya. Those individuals~~ and the remains of our fallen colleagues will arrive, if they haven't already done so, at Ramstein Landstuhl in Germany.

In closing, let me just say that the Department of Defense is ready to respond with additional military measures as directed by the President. Back to you, [Senior Administration Official One].

SENIOR ADMINISTRATION OFFICIAL ONE: Thanks very much, [Senior Administration Official Three]. We have, unfortunately, lost [Senior Administration Official Two]. He had to go off to another meeting. You can imagine how busy he has been. So why don't we go right to your questions. Operator, please take the first one.

OPERATOR: Ladies and gentlemen, if you would like to ask a question, please press * then 1 on your touchtone phone. You will hear a tone indicating you have been placed in queue. You may remove yourself from queue at any time by pressing the # key. If you are using a speakerphone, please pick up the handset before pressing the numbers. Once again, if you would like to ask a question, please press * then 1 at this time.

And the first question is from Elise Labott with CNN. Please go ahead.

QUESTION: Well, I have a couple of questions, if you would. And again, all of our condolences on what happened today. I was wondering if you can talk about now how – I know Secretary Clinton said that this would not affect how the U.S. dealt with the Libyans, and that you would move forward. But certainly, it must make you start to think about any precipitous rush to support groups in any other countries such as Syria or the like because of the uncertainty of who is on the ground.

And then I was wondering if you could talk a little bit more about Chris Stevens' personal security and how his personal detail could have been separated from him. I mean, his personal detail's number one responsibility is to protect their package, and so it just seemed – I just would like more clarity on how he got out of the building and then went back to find him. Why didn't he just keep staying in the building looking for him? Thank you.

SENIOR ADMINISTRATION OFFICIAL ONE: Let me start with the last question first, Elise. I think you can understand that I'm not going to go into detail about how his security detail was organized. I think in the accounting that I gave, I made clear that security personnel were endeavoring to get him out of the building when they got separated by the incredibly thick smoke and fire – if you've seen the pictures from the building you can have some sense of how awful the conditions were – and that they then turned right back around, got more help, and went back in to look for him. So this was really a quite – a heroic effort.

With regard to your larger question, as the Secretary said very clearly today, we are as committed today as we have ever been to a free and stable Libya. That is still in America's interest. And we are going to continue to

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work very strongly to help them have the future that they want and they deserve. I would simply note how quickly and how strongly senior members of the Libyan government came forward to condemn this attack, to offer all support to us.

I'd also like to underscore that it was Libyan security forces that stood with ours in defending our buildings. We also had some – one of the local militias who is friendly to the Embassy came to assist as well. And I think that really speaks to the relationship that we've built with Libya. Thank you.

OPERATOR: The next question is from Arshad Mohammed with Reuters. Please go ahead.

QUESTION: Can you explain to us whether you know whether Ambassador Stevens was alive when he was removed and taken to the Libyan hospital or not? And secondly, there are suggestions that he died as a result of ~~smoke inhalation. Do you know if that is indeed what was his proximate cause of death?~~

SENIOR ADMINISTRATION OFFICIAL ONE: Well, thank you, Arshad. Frankly, we are not clear on the circumstances between the time that he got separated from his – from the rest of the group inside the burning building, to the time that we were notified that he was in a Benghazi hospital. And again, we were not able to see him until his body was returned to us at the airport.

You can imagine that we will not be able to say anything about the cause of death until we've had a chance to perform an autopsy.

OPERATOR: Andrea Mitchell with NBC News is next. Please go ahead.

QUESTION: Thank you for doing this and especially at such a terrible time for all of you. Can you expand on the regular security for the Ambassador? I know you don't usually talk about security, but you can imagine how people want these details now in terms of, was it diplomatic security? Were they all RSOs? How long had he been in Benghazi? Give us a little bit more of his movements that day.

And secondly, there's a lot of reporting now on this being linked to a terror attack, an organized terror attack – possibly al-Qaida sympathetic or al-Qaida linked. Can you speak to that?

SENIOR ADMINISTRATION OFFICIAL THREE: Operator, is the call ongoing?

SENIOR ADMINISTRATION OFFICIAL ONE: I'm sorry, it looks like I had a – I was on mute there for a while. I was going on and on on mute. I apologize. So Andrea, to your first question: Frankly, we are not in a position to speak any further to the perpetrators of this attack. It was clearly a complex attack. We're going to have to do a full investigation. We are committed to working with the Libyans both on the investigation and to ensure that we bring the perpetrators to justice. The FBI is already committed to assisting in that, but I just – we're – it's just too early to speak to who they were and if they might have been otherwise affiliated beyond Libya.

With regard to Chris's trip to Benghazi, as you know, he made regular and frequent trips to Benghazi so that he could check up on developments in the east. You know that he had been our representative – the Secretary's representative and the President's, to the Transitional National Council before the fall of Qadhafi and had spent a lot of time in Benghazi and built deep contacts there. So this was one of his regular visits that he made periodically.

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With regard to the security arrangements, I think you will understand that we never talk in detail about how our security is arranged. And we particularly don't talk about security arrangements for – personal security arrangements for senior level personnel.

What I can tell you is that security in Benghazi included a local guard force outside of the compound on which we rely, which is similar to the way we are postured all over the world. We had a physical perimeter barrier, obviously. And then we had a robust American security presence inside the compound, including a strong component of regional security officers. But I'm not going to go any further than that on the specifics.

Next question, operator.

OPERATOR: Josh Rogin with Foreign Policy is next. Please go ahead.

QUESTION: Thank you very much. First, just one point of clarification. Can you tell us what time in the timeline that Ambassador Stevens was delivered to you at the airport? But the larger question is, you didn't talk at all about the protests. You started your timeline with that the firing began. Can you talk about the timeline of when the protests started, how that fit in with it, and your sense of whether or not the protestors and the assailants were the same?

And a question for Senior Administration Official Number Three, I believe, who talked about the mission of the forces there: You said they were there to protect the Embassy. Does that mean that – are you saying clearly that they will not be involved in the search for the perpetrators? Thank you.

SENIOR ADMINISTRATION OFFICIAL ONE: With regard to when we gained possession of Ambassador Stevens' body, it was extremely late our time. I think it was already dawn in Libya, but I just don't have a precise time for you, Josh.

With regard to the protests – I assume you're not talking about protests in Cairo, are you? You're talking about protests in Benghazi?

OPERATOR: He is back in the main conference.

SENIOR ADMINISTRATION OFFICIAL ONE: Okay. We frankly don't have a full picture of what may have been going on outside of the compound walls before the firing began. So I really just don't have any specifics on that at the moment. I apologize.

Let's take the next one.

OPERATOR: Jill Dougherty with CNN is next. Please, go ahead.

QUESTION: Thank you very much. One – [Senior Administration Official One], one thing that is not completely clear, and I don't know whether you can answer it at this point, there is some confusion about whether he, the Ambassador, was directly targeted or whether he just happened to be there when this attack took place. Can you answer that?

And then also, just one more point about the lack of clarity about what happened after he became separated and then his body was at the hospital. Do you know how he was transported? I mean, I think the Secretary said Libyans took him to the hospital. Could you just try to clarify that?

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SENIOR ADMINISTRATION OFFICIAL ONE: On your first question, I really can't speak to it. We just are not in a position to say at the moment. Obviously, as we said, there's going to have to be a full investigation, and presumably some of these things will come to light.

There are reports out there that I cannot confirm that he was brought to the hospital by Libyans who found him. Obviously, he had to get there somehow. No Americans were responsible for that. But again, I'm not in the position to confirm because we frankly don't know how he got from where Americans last saw him. And again, we were told that he was at the hospital, but we didn't see him there ourselves. I'm sorry if it's frustrating.

[Senior Administration Official Three], was there something from Josh that went to you that we didn't answer?

~~**SENIOR ADMINISTRATION OFFICIAL THREE:** Yes, just briefly. And Josh, thanks for the question.~~ The fleet's antiterrorism security teams that we deploy when requested are responsible for the protection of Embassy personnel and property, and they also play a role in the evacuation of personnel, as required.

On the second part of your question, whether or not U.S. military personnel will be involved in future operations to track down the perpetrators of this attack, I'm simply not going to speculate on what may or may not be in the works in the future.

Back to you, [Senior Administration Official One].

SENIOR ADMINISTRATION OFFICIAL ONE: Let's take the next one, Operator.

OPERATOR: Tom Bowman with National Public Radio is next. Please, go ahead, sir.

QUESTION: Thanks for doing this. Listen, there've been troubles in Benghazi for some time now. I understand the Consulate was attacked or bombed two, three months ago. The British have put out threat warnings about Benghazi. Was there any consideration before the attack yesterday of beefing up security there?

And the other thing is, the head of Diplomatic Security at the Consulate, as things started getting worse and worse there, the whole situation started going south, did he try to get a quick reaction force of some kind from the U.S.? Did he believe the Libyan forces were sufficient? Did he do anything to try to get more help?

SENIOR ADMINISTRATION OFFICIAL ONE: Well, again, I'm not going to get into the specifics of how we were postured in terms of security at our mission in Benghazi beyond what I said. So – because we don't ever talk about the details of those kinds of things.

What I would say, though, is that we did, as we did in missions around the world, review the security there in the context of preparing for the anniversary of September 11th. And at that point, there was no information and there were no threat streams to indicate that we were insufficiently postured.

Let's take the next one, Operator.

OPERATOR: Justin Fishel with Fox News is next. Please, go ahead.

QUESTION: Hi, thanks. I have two quick questions. Do you believe that this attack was in any way related to the incident in Cairo? You suggested this attack in Benghazi was more complex; so is it safe to rule out that this was a reaction to the inflammatory internet video?

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And second, the initial statement put out yesterday by the Embassy in Cairo has become somewhat of a political issue, Romney accusing the Administration of sympathizing with the attackers. Whether or not that's true, can you please tell us when that statement was released exactly? Was it released before or after the protest started? Was it released to stop any of the protestors from getting more violent? Please give us a timeline on that. We've been asking about that a lot today.

Thank you.

SENIOR STATE DEPARTMENT OFFICIAL ONE: Let me start with the last one first. With regard to the statement from Embassy Cairo, let me say unequivocally here that that statement was not coordinated with Washington and was therefore taken down. My understanding is that it was initially released at about noon Cairo time, which was before the protests in Cairo began.

More broadly, the Secretary spoke to our view on this issue yesterday. She did it again today. Even as we stay true to our core principles and our core values, we condemn these attacks on our diplomatic mission. There is never any justification for violent acts of this kind.

With regard to whether there is any connection between this internet activity and this extremist attack in Benghazi, frankly, we just don't know. We're not going to know until we have a chance to investigate. And I'm sorry that it is frustrating for you that so many of our answers are "We don't know," but they are truthful in that.

Let's continue, Operator.

OPERATOR: Steve Myers with *The New York Times*. Please, go ahead.

QUESTION: Thanks. I would add my condolences to everyone. Just a few follow-up questions: Do you know how many people – that is, American and Libyans – who were inside the compound when the attack began overall? And also, how many of them might have been wounded in addition to those who were killed? And you have not yet identified the two others, but you said one was – unless I misunderstood, a regional security officer. Are the other two State Department employees? Are they Marines? Anything more, even if you can't identify them at this stage, about the other two?

SENIOR ADMINISTRATION OFFICIAL ONE: Steve, at the moment, I have reports of three additional wounded on top of the four total who were killed. That report could also change, frankly. I'm sorry about that. My understanding is that between the main compound and the annex, we had a total of about 25 to 30 people, but again, we never precisely size our diplomatic missions, as you know.

I can't recall if there was another piece of that question. Anyway, Operator, maybe you'll let him back if there was. Thanks.

OPERATOR: Julian Barnes with Dow Jones is next. Please, go ahead.

QUESTION: A question for Official Number Three: Is there any discussion of sending a FAST team to Egypt? And are there any warships near Libya or being sent to Libya as part of security?

SENIOR ADMINISTRATION OFFICIAL THREE: Thanks, Julian. As you are aware, we don't typically talk about the prospect of future military operations one way or the other, or about the movement of assets that may or may not be used in the future. That's where I'd leave it.

OPERATOR: Dina Temple with NPR is next. Please, go ahead.

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QUESTION: Dina Temple-Raston with NPR. I'm wondering if you can tell us whether there was any specific recent intelligence indicating that there was going to be a threat against the consulate.

SENIOR ADMINISTRATION OFFICIAL ONE: Dina, you won't be surprised if we decline to talk about intelligence. I did speak a little bit earlier about our review of our security posture in advance of September 11th.

Going back to Steve, I didn't, I think, fully answer your question. I missed a piece. The remaining two who also lost their lives, as the Secretary said, were State Department personnel, but we are still even now trying to work the next-of-kin notifications, so that's all I can give you at the moment.

~~Let's take about three more, and then we're going to have to hop here. Go ahead, Operator.~~

OPERATOR: Jim Michaels with *USA Today*. Please go ahead, sir.

QUESTION: Yeah, thanks for taking our calls. I just wanted to go back to an earlier question. Was – can you describe a little bit about the level of organization of this assault and how it was or was not related to an overall protest/riot occurring about the same time?

SENIOR ADMINISTRATION OFFICIAL ONE: I wish I could. Frankly, I've given you as much information as we are confident in at the moment. We will obviously know more in coming days and weeks as we secure our personnel, as we have a chance to talk to them, as we have a chance to interview Libyans who may have been witnesses. But frankly, that's as much as I've got at the moment. I'm sorry to frustrate you.

OPERATOR: Margaret Brennan with CBS News, please, go ahead.

QUESTION: Hi. I would like to ask first, any information as to when the bodies will be arriving in Landstuhl? Also, if you can describe for us how the operation was directed overnight. Was that an interagency effort, out of State? How was that run?

SENIOR ADMINISTRATION OFFICIAL ONE: With regard to the remains coming home, our hope is to do that as soon as possible, but we have some processing that is required. We will obviously be informing all of you when we have precise details about their return. It was very much an interagency effort in the – while the violence was ongoing and in the aftermath and throughout the day today, led in the usual way by the National Security Council with the participation of all of us. Obviously, the State Department had a huge piece of that, but all agencies – all relevant agencies were involved.

OPERATOR: Jo Biddle with AFP is next. Please, go ahead.

QUESTION: Thank you very much for doing the call. I wondered if I could just confirm with you the number of injured. Was it three or was it four in the end? And also, I wondered if I could ask – we're hearing that the Pentagon might have been in touch with Pastor Jones, asking him if he could withdraw his support for this video. Could you talk to that? Thank you.

SENIOR ADMINISTRATION OFFICIAL ONE: I only have confirmed three wounded at the moment, but again, that is a first set of reports. It may not be accurate. I don't think we have anything on Pastor Jones unless [Senior Administration Official Three] has something to add.

SENIOR ADMINISTRATION OFFICIAL THREE: Thank you. I can confirm that the Chairman of the Joint Chiefs, General Martin Dempsey, spoke by phone this morning with Pastor Jones. This was a brief call in

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which General Dempsey expressed his concerns over the nature of the film, the tensions it could inflame, and the violence it could cause. And he asked Mr. Jones to consider withdrawing his support for the film.

SENIOR ADMINISTRATION OFFICIAL ONE: Thank you. Let's take one last one and then we're going to have to run off. Operator.

OPERATOR: Karen DeYoung with *The Washington Post*. Go ahead, please.

QUESTION: Thank you. Just to clarify, as you described the compound and the auxiliary building, was that separate building outside of the perimeter of the compound? Or is it all inside that perimeter, that's secured – as you said – inside by U.S. officials?

~~And secondly, just to once more clarify – and sorry to be obtuse about this – you have no idea whether~~ Ambassador Stevens was alive when he was taken from or otherwise exited the building and taken to the hospital?

And also, just to [Senior Administration Official Three], could you say how Pastor Jones responded?

SENIOR ADMINISTRATION OFFICIAL ONE: My understanding – and again, if this is not correct, we will correct the record – is that we have, as I said at the top, a main compound that includes the main building and several ancillary buildings, that there is also an annex further away, that both of those facilities had perimeters and had Libyan perimeter security.

And as I said with regard to Ambassador Chris Stevens, we just do not know. We have seen Libyan reports that when he was recovered and taken to the hospital, he was unconscious and he later passed, but we are not in a position to confirm those.

So with that, I'm going to thank you all for joining us. We will –

SENIOR ADMINISTRATION OFFICIAL THREE: [Senior Administration Official One], I think –

SENIOR ADMINISTRATION OFFICIAL ONE: I'm sorry, [Senior Administration Official Three], yeah, to you. I'm sorry.

SENIOR ADMINISTRATION OFFICIAL THREE: Yeah, that's okay. No problem. Karen thanks.

The Chairman did have a brief call with Pastor Jones. The – Mr. Jones did hear the chairman's concerns, but he was noncommittal.

Back to you, [Senior Administration Official One].

SENIOR ADMINISTRATION OFFICIAL ONE: Okay. And sorry, [Senior Administration Official Three], I jumped on you again.

Thank you all for joining us this evening. We will commit ourselves to sharing what we can with you as more information develops in the coming days. I just want to again reiterate what I said at the top, that we are operating for the purposes of this backgrounder on first reports. We've all had the experience of first reports being inaccurate, so – but this information we have given today, we are giving to the best of our knowledge at this time.

Thank you all for joining us, and thank you to [Senior Administration Official Three], as well. Good night.

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EXHIBIT 8

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From: [redacted]@state.gov]
Sent: Thursday, September 13, 2012 3:43 PM
To: [redacted](PACE); (U) [redacted](PACE); [redacted](PACE); [redacted](PACE); PA PRS Issues
Cc: PA RPT Group; [redacted](PACE); Hammer, Michael A; [redacted] PA FO Core; Reines, Philippe I; Smith, Dana S (PA); [redacted](Shai)
Subject: DRAFT Transcript DPB #161

Draft transcript of today's DPB is ready for editing. Audio called "09132012 dpb # 161 Nuland," and begins at 19:45.

Editor, please confirm receipt. Thank you.

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U.S. DEPARTMENT OF STATE
DAILY PRESS BRIEFING

DPB # 161

THURSDAY, SEPTEMBER 13, 2012
(ON THE RECORD UNLESS OTHERWISE NOTED)

****UNEDITED/DRAFT****

1:29 p.m. EDT

MS. NULAND: All right, everybody. I apologize for being late. We had a lot of material to go through this morning before coming to see you.

Before we start, let me just take this opportunity to thank all of you in the press and everyone out there in the international community for their condolences, for their solidarity with us, in the face of the tragic events in Benghazi. And with that, let's go to what's on your minds.

QUESTION: Can you – just to begin, yesterday on the conference call, an official suggested that a lot of the information was preliminary and it could change. So the first thing I would like to know if there is anything in the timeline that was offered to us yesterday – if there's anything to add to that or if there's anything significantly different about what we were told yesterday.

MS. NULAND: I don't have anything significantly different from what you heard in the backgrounding call. I think the degree to which we're able to update this information or deepen it, it's going to be in the context of beginning to interview our employees who are coming out and beginning to participate in the investigation that the Libyans are doing. So frankly, I don't have anything that's particularly helpful.

QUESTION: So as far – okay. But as far as you know right now, everything that was in that timeline, including the specifics about there only being three people inside when the – and getting separated and all of that, and you don't have any more clarity on exactly when Ambassador Stevens died, i.e., at the compound or then later at the hospital – it was unclear yesterday – there's no new information (inaudible)?

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MS. NULAND: Matt's referring to the fact that we gave a background briefing yesterday, where we outlined what we knew. But in the context of that, we made absolutely clear that we were operating on early reporting; we were operating on reporting before we had a chance to interview any of our people or any of the Libyans who might be involved.

And in that context, we said that the circumstances surrounding the death of Ambassador Stevens included the fact that he and two other people – Sean Smith and a regional security officer – were in the main building in Benghazi when it was hit and caught on fire, but in – that the regional security officer attempted to lead the other two out, that he got separated from Ambassador Stevens, that he then got – but when he got to Sean Smith, he was already dead. He pulled him from the building. He went back into the building with additional security forces, but was unable to locate Ambassador Stevens before the fire overcame the building.

We were then not able to locate Ambassador Stevens for many, many hours. We were later informed by some of our Libyan contacts that they understood he had been taken to a hospital in Benghazi. We were not able to confirm that, although there is a huge amount of reporting on it. And his body was later returned to us at the airport in Benghazi in the context of our evacuation of the rest of our people.

So in response to Matt's question, we don't have any definitive information of our own as to exactly when he passed or what the precise causes of death were. I would guess that this is among the things that'll become clearer as the Libyans work on their investigation with our support.

QUESTION: Can you talk a little bit more about the security that was at the Embassy? It seems that for an area such as Benghazi, where there was a lot of instability, there were very few guards there. And can you talk about whether the U.S. asked Libya, the Libyan Government, earlier in the week for extra security precaution and whether that – extra security precautions or security personnel and whether that request was fulfilled?

MS. NULAND: Well, let me start by reminding you that we are extremely cautious in any circumstances about talking publicly about our security arrangements. You can understand that the more you talk about these things, the more difficult it is to maintain security at your facilities. So --

QUESTION: It does seem though that there were very few security personnel at this location.

MS. NULAND: I'm going to reject that, Elise. Let me tell you what I can about the security at our mission in Benghazi. It did include a local Libyan guard force around the outer perimeter. This is the way we work in all of our missions all around the world, that the outer perimeter is the responsibility of the host government. There was obviously a physical perimeter barrier, a wall. And then there was a robust American security presence inside the compound. This is absolutely consistent with what we have done at a number of missions similar to Benghazi around the world.

QUESTION: Could you talk about whether a request was made to the Libyan Government as early as Sunday or Monday and whether that – for additional security precautions, given the fact that there was some trouble in the area, and whether that request was fulfilled?

MS. NULAND: I'm not prepared to talk about specific diplomatic engagements between us and the Libyans on security, either before or after.

QUESTION: Well, I mean, I have to take issue with that, because there have been several incidents, including you from the podium, throughout the Arab Spring where you've said –

MS. NULAND: Right.

QUESTION: -- that you've talked about discussions with the various governments –

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MS. NULAND: Right.

QUESTION: -- about needing additional security precautions – the Syrians, for instance –

MS. NULAND: Right.

QUESTION: -- which was one of the reasons that you closed your Embassy, because those precautions were not taken. So why would this be any different?

MS. NULAND: Elise, I'm happy to see whether there's more that we can share on this, but I don't have it today.

QUESTION: (Inaudible) is it your understanding that you were satisfied with the security at the Embassy – at the consulate at the time of --

MS. NULAND: What I can say is that, as we did with all of our missions overseas in advance of the September 11th anniversary, and as we do every year, we did evaluate the threat stream and we determined that the security at Benghazi was appropriate for what we knew. But I can't speak to any other diplomatic conversations that might have gone on with the Libyans. But I'm happy to see if I can get any more information.

QUESTION: I just have one more question.

MS. NULAND: Yeah.

QUESTION: On this movie that seems to be the kind of genesis, at least in some of these other areas of protest in the country, did you know about this movie before these protests erupted? Did anybody notify you that this movie was coming out and to be on the lookout for potential protests?

MS. NULAND: Well, I don't want to get too much into this particular video, because it just gives it more credit than any of us want to. I think you heard the Secretary speak to this issue this morning and to make it clear that we absolutely reject both its message and its content, which we consider disgusting and reprehensible. She said it far better than I can here.

The interesting thing about this, as I understand it, is that this had actually been circulating at a relatively low level for some months out there in cyberspace and that it only caught fire in the region on the day or just before the day that we began to see these various protests.

QUESTION: Victoria --

MS. NULAND: And I can't, obviously, speak to why that might have been.

Let me go to Margaret, and then we'll come back to you, Said.

QUESTION: And can you give us an update on some of the staffers who were evacuated who are in Germany or elsewhere? There were some reports of a third one regaining consciousness in a hospital in Germany. And if you could also give us a sense of the two other fatalities. All of us have seen different names and different details. Can you give us some definitive information?

MS. NULAND: I don't have much to add on our three wounded in – who are now in Germany receiving treatment. That's for reasons of their privacy. If we understand that they're interested in sharing more of their condition with you all, I will get that for you.

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With regard to the other two, as you recall, the Secretary spoke of four fallen comrades at the beginning of this. I have to say that one of the reasons we were late today was we were trying to see whether we were in a position to talk publicly about them. I regret that we are not yet ready to do that. You know that we have very sensitive and careful protocols that we do with the families, with the arrangements, before we go public with these things. So we will get that information to you as soon as we can, but I don't have it today.

QUESTION: So that means the family of one of these individuals has not been informed yet?

MS. NULAND: Again, I'm not going to go into the specifics, but we want to do this in a way that is completely respectful of both families and doesn't surprise anybody, and we're just not there yet.

Okay.

QUESTION: So the reports that have been out there and some of the names – is there any reason not to believe some of these people who have self-identified?

MS. NULAND: I'm just not in a position to speak to it. If people are interested in speaking to the press, that's their business.

Please, Said.

QUESTION: Yeah. Are major Libyan cities like Tripoli and Benghazi safe for diplomatic operations in the sense that there is a central authority that controls these cities? Or are there pockets or areas or sections of these cities that are under the control of rogue militant elements?

MS. NULAND: Well, I don't think it's possible to generalize, Said, which is why our security posture is varied in every place that we are. So we are constantly evaluating both the ability of the host government to provide the external security that is their undertaking under the Vienna Convention and our own security arrangements inside the perimeter. And we did that in the Benghazi context. We are doing it in Tripoli, obviously.

QUESTION: Was there any kind of special precautions, considering that 9/11 – the 11th anniversary of 9/11 was occurring? Were there any kind of special precautions that were taken to counter such a possibility?

MS. NULAND: Well, as I said, we reviewed our security posture at every mission we have around the world in the lead-up to September 11th. Every mission then makes whatever recommendations it thinks are necessary with regard to hardening and strengthening. But I'm not prepared to talk about the details, not there or not anywhere, today.

Please.

QUESTION: Within those limitations, I just wanted to be clear. When the President yesterday made his order to increase security, does that then require a new review or does that set forth a new set of actions by missions around the world, or has that already been undertaken in the September 11th context?

MS. NULAND: Well, there are two different things here. The first, as we talked about on background yesterday, the night of the incident we sent a message to every diplomatic mission in the world asking them to again review security and take the necessary measures. Some of you will have seen that there were increased emergency warnings or security warnings that were also issued to Americans in some 50-plus missions around the world since that went out. That's part and parcel of the reviews that embassies and consulates and other missions around the world do.

With regard to Mission Libya, I think you've seen the Pentagon talk to the issue of evacuating Benghazi while we assess the security situation, which we've now done, to bringing in the fast team, which we very much appreciate, for Embassy Tripoli. And we are continuing to look at our posture.

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Please.

QUESTION: Toria, can you tell us whether there's been any progress towards determining whether the Benghazi attack was purely spontaneous or was premeditated by militants, and also whether there's been any further determination about the extent to which the Cairo, Benghazi, and now Yemen attacks were related in some way other than just by theme?

MS. NULAND: Well, as we said yesterday when we were on background, we are very cautious about drawing any conclusions with regard to who the perpetrators were, what their motivations were, whether it was premeditated, whether they had any external contacts, whether there was any link, until we have a chance to investigate along with the Libyans. So I know that's going to be frustrating for you, but we really want to make sure that we do this right and we don't jump to conclusions.

That said, obviously, there are plenty of people around the region citing this disgusting video as something that has been motivating. As the Secretary said this morning, while we as Americans, of course, respect free speech, respect free expression, there's never an excuse for it to become violent.

QUESTION: Toria --

QUESTION: Just to follow up on that, though, this – these incidents all boiled out of the anniversary of 9/11 as well. There seems to be a detail that's kind of missed in all of this. Is there any indication in that that there's possibly al-Qaida sympathizers involved?

MS. NULAND: Again, I can't draw any conclusions as to the who and how they were affiliated. We just can't do that right now, and we won't until we have more information. What I would say is that, as you have probably seen, what we're seeing on social media, what we're seeing in some of the local commentary, is largely related to this reprehensible video.

QUESTION: Toria, can you give us a basic update on the investigation itself? Who is in charge? Why was the FBI called in when it's primarily a domestic law enforcement agency? Are you looking at possible – possibly holding any one here in the United States responsible for what happened in Benghazi two days ago?

MS. NULAND: First, on the question of the Libyan-led investigation, I'm going to let the Libyans speak to that. I think that they probably will in coming days. With regard to why the FBI is involved, the FBI always becomes involved when Americans – official Americans are killed. I'm also going to let the FBI speak in detail to its involvement, precisely what it's doing, but I can say that it has opened its own investigation into the death of these four U.S. citizens and the attack on the consulate, on the mission.

QUESTION: Now, is there also an investigation being conducted in house by diplomatic security? Is anyone being asked to come in to review the official security protocols for embassies and consulates?

MS. NULAND: Well, first of all, with regard to the larger review, I think I said in response to Andy's question that that was absolutely the first thing that we did, that we sent out a message worldwide to all of our missions to review security. And security protocols are constantly being reviewed, and they will continue to be. We are constantly also learning lessons, particularly in the wake of a tragedy, as we have in the wake of past tragedies like the bombings of our embassies in Kenya and Tanzania, so that, obviously, we can pledge to the American people and to our own work force, but I'm not in a position to give you any conclusions from any of that at this moment.

QUESTION: Now, when you say that those employees who are now in Germany are in the process of being interviewed, are they being interviewed by the FBI? Are they being interviewed by State? Are Libyan officials flying in to talk with them? What's the scope of what kind of evidence they're providing right now?

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MS. NULAND: Well, first of all, you connected dots that I didn't connect. I simply said that we needed a chance to talk to our personnel. That will obviously be part of what we do internally. It'll be part of what we make available to the Libyans in an appropriate way. I'm not going to speak to the details. But as you can imagine, Ros, today, those people who arrived in Germany late last night are an extremely stressed and traumatized bunch, and they need some time to rest and recover. They were a very tight and close-knit group, and they were very close to Chris Stevens as well.

QUESTION: Sorry – they didn't arrive late last night.

MS. NULAND: I don't remember when they arrived.

QUESTION: It was the afternoon.

MS. NULAND: Afternoon.

Nadia.

QUESTION: And just one more, Toria.

MS. NULAND: Yeah.

QUESTION: Do you have any information about the repatriation of the remains of the Ambassador, of Mr. Smith, of the others? And how is the State Department going to recognize, beyond yesterday's gathering with the President and the Secretary?

MS. NULAND: Well, first of all, we thank the President for coming and standing with our employees yesterday. That was something that meant a huge amount to all of us. We are working on the appropriate formalities and ceremony for the repatriation. I'm not in a position to announce the details yet. Here again, this is a circumstance where it needs to be done properly, with the families involved, so we have a lot of moving pieces. But we will get that information to you as soon as we can.

Nadia.

QUESTION: I have two questions. President Morsi of Egypt has asked the Egyptian Government in Washington to open a lawsuit against the maker of this video. So far, we don't know who made this video, and is the State Department or anybody at the American Government level – are they likely to open an investigation to find out who's behind it, especially if it led to the direct death of U.S. officials?

And second, are you satisfied with the explanation that you're giving to the Arab world in terms of that it's not the U.S. Government who's making this video, that's actually individuals who did it, and under the Constitution everybody has the right to do whatever they want under the freedom of expression? Because this message doesn't seem to coming across in the Middle East. They seem to believe that it's the U.S. Government who's behind it.

MS. NULAND: Well, first on the issue of whether anything will result from these investigations that leads to criminal charges in the U.S. or any other charges, I just can't speak to that at this point. It's very much premature. Frankly, I hadn't seen this assertion that you gave of – with regard to President Morsi's position.

We have what – and the second half of your question, I'm sorry, I lost it.

QUESTION: Is your message getting across to the Arab world that it's not the U.S. Government who was behind this video?

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MS. NULAND: Well, I think one of the reasons that the Secretary wanted to speak so strongly and so directly today when she was with her Moroccan counterpart was we are concerned about this, that people in the region don't understand our culture and society, that this was in fact a private effort, that it has nothing to do with the U.S. Government, that we don't do these kinds of videos, and that in fact, as a government, we found it disgusting and reprehensible, as the Secretary said. So I would commend to all of you, and I hope all of you will disseminate and broadcast as broadly as you can, the message that she gave today. It was extremely intentional, because we are concerned that we – that this is not understood well.

QUESTION: Can I follow up on that?

QUESTION: How much of a threat do you --

QUESTION: Can I follow --

MS. NULAND: Hold on, one at a time. Right here.

QUESTION: (Inaudible) on the video. How much of a threat did you think that – did the State Department think the video would be prior to September 11th?

MS. NULAND: Again, I think I spoke to that in response to Margaret that this had been out there in the ether for many months, and it caught fire quite suddenly and quite rabidly just on the day of the Benghazi and Cairo incidents.

QUESTION: And as a follow-up to that, do you think that the message put out, the statement put out by the U.S. Embassy in – I mean, I'm sorry – Cairo actually brought attention to the video, if it had been at low levels prior to that?

MS. NULAND: I can't speak to that. What I can say is what we said on background yesterday, that that message was not authorized by Washington, and we asked them to take it down.

QUESTION: Did that – that message didn't mention anything about the film, though, did it?

MS. NULAND: It didn't.

QUESTION: It did not?

MS. NULAND: Yeah.

QUESTION: And neither did the Warden Message that went out earlier that morning. But that – in fact, that was one of the numerous or number of reasons – the Warden Message didn't say anything specifically about what the protests would be about. It said there were a couple of reasons why. But in fact, the film – it had been noticed by the Embassy that this video was getting traction and that conservative Muslim leaders were calling for protests against it, correct? So it is not really an assumption to make that – the Embassy was aware that a protest over the film specifically was possible in the morning?

MS. NULAND: My understanding of the sequence of events – and I'm going to send you to Embassy Cairo for more detail – was that in the day --

QUESTION: At this point, referring us to Embassy Cairo is like referring us to the North Koreans, so please don't do that. (Laughter.)

MS. NULAND: My understanding of the sequence of events was that in the day or days prior to the protests that became violent at our Embassy in Cairo, the film had been shown on Egyptian television and was being quite heavily watched, and our social media tracking indicated that. And it was on that basis and the basis of a few other things that

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the Embassy put out the Warden Message and was concerned about protests. At that point, we expected it to be localized to Egypt.

QUESTION: Okay. And then just one other thing. After the briefing – and I don't expect you to read off this list now, but you mentioned that 50-plus embassies have put out messages. Is it possible to find out which embassies those were? Don't read the names now, but --

MS. NULAND: You don't want me to read the names? (Laughter.)

QUESTION: Well, if everyone else wants to hear them, but it just seems like --

MS. NULAND: What I'm going to do is refer you – and I'm going to find it after the briefing – there is a public website where you can find all of these Warden Messages.

QUESTION: I was on that website and it doesn't have all of them. It doesn't – certainly doesn't have 15 – 50. It's got 15.

MS. NULAND: Okay. Well, we'll make sure that it's updated and we'll get it to you. I looked over the list just before coming down.

QUESTION: Can you --

QUESTION: Well, can't you just send that – can't you just send us that list? I mean, presumably it's --

MS. NULAND: We'll get the website updated, which is the appropriate thing to do.

QUESTION: Well --

MS. NULAND: Because then it's available to everybody, Matt, and the public as well.

QUESTION: Well, you could put it out as a Taken Question and then it's available to everyone as well.

MS. NULAND: Okay. We'll work on this together.

QUESTION: I'm just telling you because I don't – I frankly don't think that in the time that – you're not going to be able to get the website updated in time.

MS. NULAND: Okay. We're going to work on this for you.

QUESTION: Thank you.

QUESTION: I may have missed this, but it sounded like you just said the film was shown on Egyptian television. Just a clarification – you mean that this entire film was shown on –

QUESTION: Clips.

QUESTION: -- or that the Egyptian media was doing news reports about YouTube clips that had been dubbed into Arabic?

MS. NULAND: It sounds like Nadia has more information than I do; but certainly, some of the more offensive pieces were out on Egyptian television and were inciting.

QUESTION: Yes, it was (inaudible).

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QUESTION: (Inaudible.)

MS. NULAND: Can I – I'm going to go to Michele and then we're going to --

QUESTION: Thank you.

MS. NULAND: -- finish in this region before I come back to you.

QUESTION: I'd like to ask you about sort of a Twitter debate that's going on today between Embassy Cairo and the Muslim Brotherhood. The Muslim Brotherhood --

MS. NULAND: Oh, good.*

QUESTION: -- Twitter feed wrote that they're relieved that no U.S. Embassy staff had been hurt, and the response was, "Thank you. Have you checked what's on your Arabic feeds? We read that too." What are you trying to do through social media to get this message – the messages that you're talking about out?

MS. NULAND: Michele, I frankly haven't seen the exchange between Embassy Cairo and the Muslim Brotherhood, so I'm not going to speak to it. I think I won't speak to anything of that kind until I check it myself.

QUESTION: Is that the – since this incident with the web posting, is U.S. Embassy Cairo in charge of its own social media and its own messaging and local embassies around the world doing that? Or has it been more centralized; the messaging is consistent from State?

MS. NULAND: Well, first of all, the messages that we send out through the social media from all of our missions overseas, first and foremost, should be amplifying messages from senior leadership in Washington. So in the last 24 hours, with so many statements by the President and the Secretary and other senior principals, that is the primary focus – is to make sure, as we said in response to Nadia's question, that we are understood, that our messages are getting out in multiple languages, et cetera.

That said, embassies do, under the authority of ambassadors, tailor their messages and work individually with the folks who follow their sites. I will tell you that Ambassador Patterson is on her way back to Cairo today.

QUESTION: Can I just ask you what about – you said that all these messages are supposed to be amplifying the message given in Washington, correct? What about this statement that was put out didn't amplify the message from Washington? What – you're going to great lengths – you and the White House are going to great lengths to say this was not authorized in Washington. I'm sorry, I don't see the problem with what – what is it – what's the divergence between what that message said and what the message is coming from Washington?

MS. NULAND: I don't --

QUESTION: Because it seems to me it's exactly the same thing as what the President and what the Secretary said over the last couple days.

MS. NULAND: I don't think so, but I'm not going to sit --

QUESTION: Well, can you tell us what was wrong with it?

MS. NULAND: I'm not going to sit here and parse the two texts. I think from our perspective, the message was unbalanced, the words were mis-chosen, and they were not clearly comprehensible to all audiences.

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Said.

QUESTION: Toria, are you concerned on this message issue that there may be a flip side to that thing, that anyone with a smartphone can actually put anything placed on the YouTube and they will be caught in this thing endlessly and sending these messages? I mean, as far back as I can remember, the United States has been making sure that the message gets across that it is not anti-Islam, that it condemns these things and so on. I am concerned that there may be a can of worms opened here.

MS. NULAND: I'm not sure quite --

QUESTION: My question is: What is the flip side? I mean, you can say this message time and time again, but on the other hand, there are many people – there are millions of people that can put anything together and place on YouTube and you'll be caught in this kind of –

MS. NULAND: Look, I think that the Secretary was very frank this morning in the comments that she made with the Moroccan, that even if we wanted to control the internet – which we don't, because we believe in free speech – it wouldn't be possible to do so. So the question and the shout out that she did today was that leaders, whether they are government leaders, NGO leaders, religious leaders, have a responsibility to draw a hard line at violence. There is never an excuse for expressing yourself violently.

Wendell.

QUESTION: What is your level of concern of the protest going on now in Sanaa?

MS. NULAND: Are we ready to switch to Yemen, generally?

QUESTION: I didn't consider that a switch, but –

MS. NULAND: Yeah, no, it's all –

QUESTION: (Inaudible.)

MS. NULAND: Yep, yep. Go ahead.

QUESTION: I was reading the background call yesterday.

MS. NULAND: Yep.

QUESTION: And it seems that for some hours you didn't know the fate of the situation that happened with the Ambassador. But in the press, very early that morning, we got two pictures from the Ambassador that were in all the media from international agencies. Do you know, or – do the Department know when these pictures were taken, and which – in what situation?

MS. NULAND: Well, we've seen those pictures. And thank you for the opportunity to say that it was very painful for those of us in this Department to see some of the more horrific images broadcast. I would just say that on a personal note, not an institutional note.

I'm not in a position to confirm one way or the other who those images were of. And frankly we don't confirm information we're not sure of.

QUESTION: Could you clarify this one thing about Libya – I know you were going to go on – and that is, just based upon what you had said before about security at the Embassy, the Embassy that was attacked, it sounds like much of this –

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MS. NULAND: The mission in Benghazi.

QUESTION: The mission. Thank you for correcting me. The mission that was attacked – it sounds like much of the security at that mission – the security efforts there were ceded to Libyan security forces. Was that not the case?

MS. NULAND: That was not the case. And first of all, what you have to understand about embassies around the world, not just ours but those of foreign governments here in Washington, is that the outer perimeter in any embassy is always the responsibility of local security. That's the way it is done in embassies around the world. So in this case, we had arrangements for Libyan security on the outer perimeter. We – as we do around the world – train them, work with them, obviously, and then we have additional American procedures inside the wall.

So this was situation normal for any embassy around the world. That said – I'm sorry, I've lost my train of thought in terms of what the rest of your question was. I'm having one of those days.

QUESTION: You answered it. But just, again, to clarify, were there no marines at this mission? No U.S. marines at this particular mission?

MS. NULAND: There were not marines at this mission.

QUESTION: Why not?*

MS. NULAND: They – we have a number of posts around the world. We have – there are embassies without marines, there are other consulates of this type without marines. We make a decision based on the local conditions as to whether that makes sense, but this posture that we had, which was external security by the Libyans and then a strong U.S. security presence – but it didn't include that particular contingent of Americans – inside, in a number of other missions that look a lot like Benghazi.

QUESTION: Sorry, just to –

QUESTION: Is that for marines coming generally from the mission itself, or does the State Department say, you know, the situation's really bad right now in this particular section of the world, perhaps we should have marines based here.

MS. NULAND: It's not a matter of marines necessarily being a qualitatively different way of securing. There are many other ways to secure that are equivalent, too. It depends on the circumstances and it is different in every part of the world, and we evaluate it along with our friends at the Defense Department and other agencies individually, per mission.

Yeah.

QUESTION: Toria, do you have a rough estimate of how many missions do not have marine guards? Isn't it more than half?

MS. NULAND: I don't think it's more than half. But it's certainly more than people expect. I don't have a number.

QUESTION: Is it not the fact that there is actually a waiting list to get marine (inaudible)?

MS. NULAND: I can't speak to that at all.

QUESTION: Sorry, a quick follow-up to his question on the security. The Libyans are saying in press reports that they advised the U.S. government that they wanted more security. Deputy Interior Minister Sharif told the New York Times that, "What's weird is that the United States refrained from the procedure, depended instead on the simple forms of

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protection that they had." And, "What happened later is beyond our control, they are responsible for part of what happened."

MS. NULAND: I haven't seen those quotes. I'm not going to respond to press reporting. As I said, we are in the process of an investigation with the Libyans, and we will see what that yields.

Anything else on this set of subjects before we go to Yemen, which – where Wendell's been very patient.

Go ahead. Sorry, Catherine. Catherine, one more.

QUESTION: Just yesterday, President Obama gave an interview to Telemundo where he described the relationship with Egypt as "not an ally, not an enemy." I'm wondering at what point did the description of the U.S. relationship with Egypt change? And he said this yesterday. Was it in response to the protests at the Embassy, or was this a decision that the Administration and the State Department had made earlier?

MS. NULAND: Well, obviously for parsing of the President's comments, I'm going to send you to the White House. But as a matter of fact and practice, the word ally generally is used with a treaty ally, which is a different matter than the fact that we have a very close and longstanding partnership with the government of Egypt, and we are working together to support their democratic transition.

QUESTION: Well, wait a second. Egypt is an ally. It's a major non-NATO ally.

MS. NULAND: Correct, yeah.

QUESTION: And you neglected to mention that. And that major non-NATO ally status is something that you guys have celebrated ever since the '70s, when they were among the first batch of countries, along with Israel, to get that distinction. So is Egypt an ally, or is it not an ally? And if it is not an ally, in that sense of the – in the sense of their being a major non-NATO ally, is Israel not an ally either? Is Japan not an ally?

MS. NULAND: Well, Japan has a treaty –

QUESTION: Okay, because they have a treaty.

MS. NULAND: – alliance with the United States.

QUESTION: So other countries – so, Pakistan and India that don't have mutual defense treaties with the United States, they're major non-NATO allies, but you guys don't really think they're allies. Is that the message you're trying to send? Because that's the message the President did last night, unless you've decided that Egypt no longer qualifies as a major non-NATO ally.

MS. NULAND: Well, that was certainly, I don't think, the intention. I'm going to refer you to the White House for further parsing on this.

QUESTION: So forget about the President's words. You're saying that the Administration, the State Department, still regards Egypt as a major non-NATO ally and it is still a recipient of all the – of the privileges that that entails?

MS. NULAND: Yes.

Wendell.

QUESTION: I have another question on Egypt, actually. Sorry, Wendell, if I may.

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MS. NULAND: Poor guy.

QUESTION: Just briefly, did Secretary Clinton meet with the Libyan Ambassador to the U.S. yesterday?

MS. NULAND: She did. Ambassador Aujali was scheduled to come in for a regularly scheduled call with Deputy Secretary Nides yesterday, and, given the circumstances, that turned into a condolence call and a call about how we move forward together. And the Secretary decided that it was absolutely appropriate for her to take over the meeting, and she did. And I think we released a picture yesterday.

QUESTION: This is just a quick follow-on on that.

MS. NULAND: Yeah.

QUESTION: We saw on her schedule today also she's due to meet – and maybe meeting now – Tunisian, Libyan, and Egyptian students. Was that a – can you tell us anything more about that meeting and was that arranged prior to the events in Benghazi?

MS. NULAND: I think it was. I don't think it was put on the schedule just recently.

Now, we're going to go to Wendell.

QUESTION: Could I just --

MS. NULAND: Oh, goodness. Maybe we're not.

QUESTION: No. One more thing on that – on the ally thing. Do you know if the Egyptians inquired with the Embassy about their status?

MS. NULAND: I don't know the answer to that. I doubt it.

QUESTION: Do you know if anyone from this building has gotten in touch with the White House to say that the President misspoke?

MS. NULAND: Well, I'm not going to speak to our internal discussions, obviously.

QUESTION: Well, did – I mean, do you – if you believe that – if as it is – as you just said, that Egypt is still a major non-NATO ally, the President misspoke when he said that Egypt is not an ally, correct?

MS. NULAND: I am not going to speak to our internal discussions.

Wendell.

QUESTION: Well, wait --

MS. NULAND: Matt --

QUESTION: -- I don't want to know about the internal discussion. I don't – frankly that – leave that to you. But Egypt is still a major non-NATO ally, correct?

MS. NULAND: I think I answered that question a minute ago.

QUESTION: If that – okay. But if that is correct, then it's also correct that the President misspoke, is it not?

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MS. NULAND: I am not going to parse the President's words.

Go ahead, Wendell.

QUESTION: Yemen protests.

MS. NULAND: Yes.

QUESTION: What's your level of concern? Do you see a tie with the – what happened in Libya and Egypt?

MS. NULAND: Well, again, I can't speak precisely to the motivation of some of these people. We have, as I said, also seen some of this – some of these comments with regard to the film moving in social media there. We are, obviously, doing what we can now with the Yemenis to restore security there. All of our personnel are safe and are accounted for. There was a small breach of the compound perimeter earlier today, but there was no breach of the Embassy buildings. And as I was coming down here, my understanding was that we were in the process of – or the Yemeni security was in the process of restoring order.

QUESTION: Increased security there in light of the protest?

MS. NULAND: In light of these protests? Well, again, Wendell, I'm not going to speak to the precise measures that we're taking, but obviously we're taking measures there today to make sure our folks are safe.

Please.

QUESTION: If I may, I want to ask a question about Asia.

MS. NULAND: Amazing. Moving to Asia.

QUESTION: (Laughter.) Well, Japan has concluded that – concluded what it calls the purchase and nationalization three out of the five Diaoyu Islands. So it looks like Japan has already taken the first step towards a confrontation. But --

MS. NULAND: I've spoken to this issue several times. I spoke to it last week. I spoke to it this week. I don't have anything new for you on this issue. I'm sorry.

QUESTION: Okay. Just a quick question. So according to U.S., you said U.S. *and S.U.* said the U.S.-Japan Mutual Defense Treaty is applicable to the Diaoyu Islands. So does that mean if there's a conflict between Japan and China, the U.S. will join Japan in fighting China?

MS. NULAND: We have spoken to this issue before. I don't have anything new on it. I'm sorry.

Said.

QUESTION: Yes. Very quickly, today marks the 19th anniversary of the Oslo Accord signing at the White House. And --

MS. NULAND: I didn't remember that. Thank you, Said.

QUESTION: -- which committed you to financing the Palestinian Authority. I wanted to ask you to clarify the status of the $200 million. Because I know it's not – it's been approved, but somehow is caught up in whatever machinations and so on. Could you explain what is the status of the money?

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MS. NULAND: Well, you know that we feel strongly that this money needs to move. We are working with the Congress on that. There have been some holds on the money in the Congress.

Please.

QUESTION: I have a different question regarding Secretary Clinton's recent meeting with Japanese Prime Minister. Japanese authorities* is going to announce within hours about the new energy policy, which include the goal to have no nuclear plant by 2030s. And according to the Japanese Government press briefing, the Secretary Clinton raised this issue and expressed to Japanese Prime Minister that United States is interested in ongoing debate regarding Japanese nuclear energy policy. So my question is, first of all, why United States is interested in Japanese nuclear energy policy? And the second of all is whether or not United States is not happy about or concerned about that Japan is trying to rewrite*, not own a nuclear plant in the future.

MS. NULAND: Well, let me start by saying obviously it's a sovereign decision of any nation, the choices that they want to make with regard to meeting their national energy needs. I don't have any memory of the precise issue coming up in the Secretary's meeting with the Prime Minister. There were a number of subjects covered. If I didn't get that right, we'll get back to you.

Anything else? Margaret.

QUESTION: Can you just give us an assessment of some of the protests and – that you've been seeing throughout the region yesterday? There were reports of related protests in Algeria and some of North Africa. What is it that you're seeing at some of the facilities in the Middle East right now?

MS. NULAND: I know that we don't have anything in Algeria today. We've spoken to what we saw in Yemen earlier today. In Cairo, we have now peaceful, I believe, demonstrations of some 500 to 1,000 outside the walls. Let me see if I have anything else here. Yeah. In Tunis, we had small-scale peaceful protests yesterday that were about 40 to 150. The police dispersed when the crowd moved towards the Embassy wall. There are no protests today. No protests at all, I have, in Algiers.

Consulate Casablanca had a small-scale peaceful protest yesterday. I don't have information about what's going on there today.

QUESTION: Can you tell us about pro-American demonstrations in Libya? I've heard that there are.

MS. NULAND: Thank you for that, Said. I should have reached for that earlier. First of all, around the world we've had an enormous outpouring of condolence messages, of messages of solidarity, which we very much appreciate, the American people very much appreciate. In Libya, it's been absolutely overwhelming. And I think you've seen some of these images that are moving on Flickr of school children holding up placards saying "we're sorry" in English and expressing support for the U.S.-Libyan relationship on social media in Libya. It's been unbelievably supportive. So that speaks to the progress that we're making in building bonds with the Libyan people, and we so appreciate it.

QUESTION: Do you – you're under the impression that these children holding up signs saying "we're sorry" in Libya are doing this on their own and haven't been told by their teachers or whatever to go out into the streets to wave U.S. flags and --

MS. NULAND: Our – I can't speak to that, but what it appears is that this issue has been discussed in classrooms and families and in homes and that whether they are being encouraged by parents, they're at least being encouraged to be supportive of this relationship, which is important for both of our futures.

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QUESTION: And you haven't noticed anything like this in Egypt. Obviously, the situations are a little bit – are a lot different in terms of what actually happened at the mission. But are you similarly pleased or encouraged by any spontaneous pro-American – not demonstrations, but any kind of popular surge in pro-American sentiment in Egypt?

MS. NULAND: Well, let me start by saying that we have also seen in Egypt and in other parts of the region messages of condolence moving on social media, which means a lot to us. As you may know, President Morsi gave a speech today in Brussels in which he underscored that expressing opinions, the freedom to protest, and announcing positions ought to be guaranteed without assaulting private or public property or diplomatic missions. So he spoke against the kind of moves that we've seen at our mission in Cairo and also in Benghazi, and we very much appreciate that. But we have to see how this goes.

QUESTION: There were also Libyans that died fighting back along with their American comrades, correct?

MS. NULAND: Another very, very important point. Libyan security forces lost people in the battle at Benghazi. We also had, as I think we said in the backgrounding call yesterday, spontaneous volunteering by a local militia – the 17th of February Brigade to come to our assistance. We also had, we believe, acts of mercy and generosity later at the hospital in Benghazi, et cetera, and we very, very much appreciate this.

QUESTION: There are just no detail on the American – robust American security presence within the perimeter? Were those mostly contractors? Are you able to say?

MS. NULAND: Let me say that there was a robust State Department regional security officer presence, and beyond that I'm not going to get into details.

QUESTION: Do you have any information on reports that some Libyans have arrested in regards to the attack?

MS. NULAND: I saw those press reports before I came down. I was not able to confirm them. But obviously, it would be a good thing if we're starting to move forward on the justice piece.

QUESTION: When you speak about robust, I just want to – you're talking about more than one person, not just one enormous guy?

MS. NULAND: Oh, yes. Oh, yes. Oh, yes.

Samir.

QUESTION: Did you say before what was the purpose of Ambassador Stevens to the consulate in Benghazi?

MS. NULAND: Again, we talked about this a little in the backgrounding call yesterday. You know that Ambassador Stevens relationship with the people and the groups in Benghazi was very deep and very strong because he had been the Secretary and President's representative to the Transitional National Council. He had lived in Benghazi during the end of the Qadhafi period when – during the liberation of Libya. He made it his business to travel all over the country, but he made regular trips back to Benghazi to check on how things were going in the east, and he was on one of those regularly scheduled trips when these events happened.

Steve. Steve. Steve.

QUESTION: Could I just follow up? You mentioned acts of mercy at the hospital, but I thought we didn't really know what had happened at the hospital. Could you clarify?

MS. NULAND: We don't know what happened with Chris Stevens. We have other reports of generosity that I'm not prepared to get into here.

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Please.

QUESTION: There is reporting that it is precisely because of the Ambassador's relationship to the people of Benghazi – his comfort there, his ties to the region – that he felt he didn't need the security that perhaps even some Libyan officials felt would have been more advisable. Would you care to address that?

MS. NULAND: That is absolutely inaccurate. He made this trip with the normal security precautions that were assigned to him throughout Libya. I would note that he was inside the mission when this happened. Having been a protectee myself, once you're inside the mission, the actual circumstances change somewhat. So we don't have any information to indicate that Chris was anything less than completely appropriate in the way he handled himself.

Please.

QUESTION: Regardless of the connection during this attack in Benghazi and extremist al-Qaida, generally speaking, how do you evaluate that recent situation inside Libya of the affiliate of the al-Qaida? How do you view? Are they getting bigger or getting more active?

MS. NULAND: Again, I think I said that we're not prepared to draw connections until we've had a chance to investigate.

Thank you all.

(The briefing was concluded at 2:19 p.m.)

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EXHIBIT 9

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From: Rhodes, Benjamin J.
Sent: Thursday, September 13, 2012 12:02 PM
To: Meehan, Bernadette; 'Andy, Adora (OPA)'; 'Warren, Steven H LTC OSD PA'; NSC Deputy Press Secretary; Nuland, Victoria J; H; Sullivan, Jacob J; Reines, Philippe I; 'Little, George CIV OSD PA'; 'Wood, Carl R Mr OSD PA'; 'Matthew.Chandler@dhs.gov'; @state.gov'; 'shawns @state.gov'; 'Robert.Jensen@hq.dhs.gov'; @state.gov'; 'Lapan, David Col JCS OCJCS PA'; 'McNally, Patrick CDR JCS OCJCS PA'; 'Seiber, Patrick LTC JCS OCJCS PA '; 'Rigler, Tara CIV OSD PA'; 'Boyd, Dean (NSD) 'Schmaler, Tracy (OPA) 'Andy, Adora (OPA)
Subject: RE: USG Public Response to Events in Libya and Egypt

Here are those points we talked about on the call, adapted from the Secretary's words this morning:

Talking Points on Movie

- Clearly, there are protests taking place in different countries around the world that are responding to the movie that has circulated on the Internet.

- As Secretary Clinton said today, the United States government had nothing to do with this movie. We reject its message and its contents. We find it disgusting and reprehensible. America has a history of religious tolerance – and respect for religious beliefs – that goes back to our nation's founding. We are stronger because we are the home to people of all religions – including millions of Muslims – and we reject the denigration of religion.

- We also believe that there is no justification at all for responding to this movie with violence. Muslims in the United States and around the world have spoken out against violence, which has no place in religion and is no way to honor religion. Islam respects the fundamental dignity of human beings, and it violates that dignity to wage attacks on innocents.

- It is especially wrong for violence to be directed against diplomatic missions. These are places whose very purpose is peaceful -- to promote better understanding across countries and cultures. Governments everywhere have a responsibility to protect these places.

- It is hard for some people around the world to understand why the United States doesn't prevent movies like this from seeing the light of day. That is impossible in today's world. Furthermore, our country has a long tradition of free expression, which is protected by the law. Our government does not – and cannot – stop individual citizens from expressing their views.

- Those of us who care about religious tolerance – and who respect religious beliefs – must not allow a tiny minority of people to provoke conflict between different religions, cultures, and countries. All leaders must draw a stark line against violence.

On Tomorrow

- Clearly, there are protests taking place in different countries around the world that are responding to the movie that has circulated on the Internet. For instance, we saw protests get out of hand in Yemen today.

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- The United States is doing everything we can to protect our diplomats and facilities. We are in touch with foreign governments, underscoring the need for close cooperation, and for nations to meet their responsibilities to protect diplomatic facilities and personnel. And we have increased our own security measures.

- We do anticipate that these protests may continue. It is no secret that Friday is often a day in which demonstrations are larger in Muslim-majority countries. But we will continue to make it clear that this video does not represent America, and we will continue to take additional precautions on our own and together with our partners.

From: Meehan, Bernadette
Sent: Thursday, September 13, 2012 7:07 AM
To: 'Andy, Adora (OPA)'; Rhodes, Benjamin J.; 'Warren, Steven H LTC OSD PA'; Vietor, Tommy; 'nulandvj@state.gov'; [redacted] @state.gov'; 'SullivanJJ@state.gov'; 'reinesp@state.gov'; 'Little, George CIV OSD PA'; 'Woog, Carl R Mr OSD PA'; [redacted] @state.gov'; 'shawnst[redacted] @state.gov'; 'Robert.Jensen@hq.dhs.gov'; [redacted] @state.gov'; [redacted] 'Lapan, David Col JCS OCJCS PA'; 'McNally, Patrick CDR JCS OCJCS PA'; 'Seiber, Patrick LTC JCS OCJCS PA '; [redacted] @state.gov'; 'Rigler, Tara CIV OSD PA'; [redacted] @state.gov'; [redacted] @state.gov'; 'Boyd, Dean (NSD) [redacted] ; 'Schmaler, Tracy (OPA) [redacted] 'Andy, Adora (OPA) [redacted]
Subject: RE: USG Public Response to Events in Libya and Egypt

Good morning,

For those who did not receive these last night I am pasting below the readouts released following the President's calls last night with Egyptian President Morsi and Libyan President Magariaf.

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
September 12, 2012

Readout of the President's Call with Libyan President Magariaf

President Obama called President Mohamed Magariaf of Libya this evening, their first conversation since President Magariaf's election last month. President Obama thanked President Magariaf for extending his condolences for the tragic deaths of Ambassador Chris Stevens, Sean Smith, and two other State Department officers in Benghazi yesterday. He also expressed appreciation for the cooperation we have received from the Libyan government and people in responding to this outrageous attack, and said that the Libyan government must continue to work with us to assure the security of our personnel going forward. The President made it clear that we must work together to do whatever is necessary to identify the perpetrators of this attack and bring them to justice. The two Presidents agreed to work closely over the course of this investigation. The President reaffirmed our support for Libya's democratic transition, a cause Ambassador Stevens believed in deeply and did so much to advance. He welcomed the election of a new prime minister yesterday to help lead the Libyan government's efforts to improve security, counter extremism, and advance its democracy.

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THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
September 12, 2012

Readout of the President's Call with Egyptian President Morsi

The President called Egyptian President Morsi today to review the strategic partnership between the United States and Egypt, and our ongoing efforts to strengthen bilateral economic and security cooperation. Given recent events, and consistent with our interest in a relationship based on mutual interests and mutual respect, President Obama underscored the importance of Egypt following through on its commitment to cooperate with the United States in securing U.S. diplomatic facilities and personnel. The President said that he rejects efforts to denigrate Islam, but underscored that there is never any justification for violence against innocents and acts that endanger American personnel and facilities. President Morsi expressed his condolences for the tragic loss of American life in Libya and emphasized that Egypt would honor its obligation to ensure the safety of American personnel.

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From: Meehan, Bernadette
Sent: Wednesday, September 12, 2012 6:55 PM
To: 'Andy, Adora (OPA)'; Rhodes, Benjamin J.; 'Warren, Steven H LTC OSD PA'; [redacted] 'nulandvj@state.gov'; [redacted]@state.gov'; 'SullivanJJ@state.gov'; 'reinesp@state.gov'; 'Little, George CIV OSD PA'; 'Wood, Carl R Mr OSD PA'; [redacted]@state.gov'; 'shawnst[redacted]@state.gov'; [redacted]@state.gov'; [redacted] 'Lapan, David Col JCS OCJCS PA'; 'McNally, Patrick CDR JCS OCJCS PA'; 'Seiber, Patrick LTC JCS OCJCS PA'; [redacted]@state.gov'; 'Rigler, Tara CIV OSD PA'; [redacted]@state.gov'; [redacted]@state.gov'; Boyd, Dean (NSD) [redacted] Schmaler, Tracy (OPA) [redacted] Andy, Adora (OPA) [redacted]
Subject: USG Public Response to Events in Libya and Egypt

All,

Thanks for all of the cooperation today. To recap, both the President and Secretary Clinton released written statements, and made on camera statements. Jay Carney (WH) held a daily gaggle. Toria (State) and George (DoD) participated in a DOS-hosted background call specific to Libya. All of the materials released today should provide answers to take us through until tomorrow, so please refer to those as needed to ensure we all remain on the same page publically. If you need copies of any these materials, please let me know.

Tomorrow AG Holder will be making remarks at the closing session of the Arab Asset Recovery Forum in Doha. His speech includes a topper referencing the Benghazi attack. If there are other principals speaking tomorrow, please flag for the group so we can ensure consistency in messaging.

Thanks,
Bernadette

EXHIBIT 10

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C05415285 Date: 10/20/2015

C05415285-MOU

Ryu, Rexon Y

From: Rhodes, Benjamin J.
Sent: Friday, September 14, 2012 8:09 PM
To: Vega, Dag; NSC Deputy Press Secretary; Plouffe, David; Pfeiffer, Dan; Carney, Jay; Palmieri, Jennifer; Earnest, Joshua R.; Govashiri, Ferial; Ledbetter, Howli J.; Selak, Dawn; Brundage, Daniel; Pelton, Erin; Alhassani, Mehdi K.
Subject: RE: PREP CALL with Susan: Saturday at 4:00 pm ET

Goals:

- To convey that the United States is doing everything that we can to protect our people and facilities abroad;
- To underscore that these protests are rooted in an Internet video, and not a broader failure of policy;
- To show that we will be resolute in bringing people who harm Americans to justice, and standing steadfast through these protests;
- To reinforce the President and Administration's strength and steadiness in dealing with difficult challenges.

Top-lines:

- Since we began to see protests in response to this Internet video, the President has directed the Administration to take a number of steps. His top priority has been the safety and security of all Americans serving abroad.
- First, we have significantly increased security at our diplomatic posts around the globe, with additional resources from across the government. The safety and security of our personnel is paramount and under constant review.
- Second, we have reached out to governments in the region to make sure they are cooperating closely with us, and meeting their obligations to protect diplomatic facilities as best they can. For instance, we've seen cooperation from Yemen and Egypt cooperate significantly after President Obama called those leaders.
- Third, we've made our views on this video crystal clear. The United States government had nothing to do with it. We reject its message and its contents. We find it disgusting and reprehensible. But there is absolutely no justification at all for responding to this movie with violence. And we are working to make sure that people around the globe hear that message.
- Fourth, we've encouraged leaders around the globe to speak out against the violence, and you've seen very important statements in the Muslim world by people like Prime Minister Erdogan of Turkey, President Morsi of Egypt, and others who have condemned the violence and called for a peaceful response.
- I think that people have come to trust that President Obama provides leadership that is steady and statesmanlike. There are always going to be challenges that emerge around the world, and time and again he's shown that we can meet them.

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Q: Are you concerned that our relationship with Egypt and other Muslim countries is quickly deteriorating? Is the Arab Spring now about hatred of America? Did President Obama lose the Arab World?

I think we need to step back a bit. The Arab Spring was about people across the region rising up to demand their basic rights. The protests we've seen these last few days were sparked by a disgusting and reprehensible video.

The fact is, this is a time of extraordinary change in the Arab World. But we've been able to build cooperative relationships with these new governments.

You saw that in Libya, where there's been full cooperation with the United States and an outpouring of support for Chris Stevens and the work that he did.

You saw that in Egypt, where President Obama was able to call President Morsi directly, which led to the Egyptians calling for calm and providing much more security at our Embassy.

So this part of the world has been faced with unrest many times in recent decade. But we're going to keep moving forward, and we believe that strong U.S. leadership can lead to a region that is more stable and more responsive to the people.

Q: Have you failed to articulate a policy for dealing with the Arab Spring?

You have heard the President articulate a very consistent set of principles and support for universal rights as the Arab Spring has unfolded. We support the process of nonviolent political and economic change and reform in the region. Of course, that process will look different in different countries.

There are countries where that transition has occurred, like Egypt, Yemen and Tunisia, and we're working to help them consolidate their democracies, deal with security needs, and stabilize their economies.

In other places like Syria that are still in throes of revolution, we have opposed the brutality of the regime and are supporting the aspirations of the people.

While this process unfolds, this President has left no doubt that he will continue to protect our other interests – destroying al Qaeda, bringing our men and women in uniform home from Afghanistan, and strengthening our leadership in the world.

But the Arab Spring is going to take time to play out. This is an enormous change. And that is why we need to stay focused and firm on behalf of our principles, as the President has done.

Q: What's your response to the Independent story that says we have intelligence 48 hours in advance of the Benghazi attack that was ignored? Was this an intelligence failure?

We are not aware of any actionable intelligence indicating that an attack on the U.S. Mission in Benghazi was planned or imminent. The currently available information suggests that the demonstrations in Benghazi were spontaneously inspired by the protests at the US Embassy in Cairo and evolved into a direct assault against the US Consulate and subsequently its annex.

Q: Can you explain to us again the President's comment about why Egypt was not an ally?

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Egypt is a critical partner of the United States. As you know, the President had an important conversation with President Morsi about the need to protect our embassy and personnel in Cairo, and the need to denounce the violence.

President Morsi expressed his condolences for the tragic loss of American life in Libya and emphasized that Egypt would honor its obligation to ensure the safety of American personnel. The President is very appreciative for the statement President Morsi made and for the actions he's taken to date to secure our Embassy.

This was not an effort to change our relationship with Egypt in any way. We have had a long-standing partnership with Egypt, and have supported their transition to democracy. We are now working to build our relationship with what is obviously a new government.

If Pressed: I'm not here to get into a long exchange about diplomatic terminology. The President has made it clear that Egypt is a close partner of the United States, and that we have expectations that the Egyptian government will meet its obligations to protect our facilities.

Q: Romney's advisor said that these protests wouldn't have happened under President Romney?

Well I'm not here to talk politics. Events abroad are unpredictable. Foreign policy challenges emerge no matter who is President. And I think that people have come to expect steady, statesmanlike leadership from this President on national security, and his response to these protests is no different

Israel / Iran

IRAN

Q: Is there a split between the United States and Israel on redlines? What are the U.S. redlines with Iran?

The President has been clear that he is determined to prevent Iran from acquiring a nuclear weapon and that all options are on the table in pursuit of that goal. We share the same objective as the Israelis, and there is no daylight between us on that matter of stopping Iran from obtaining a nuclear weapon.

The question of when we would consider a resort to military action involves multiple variables and would be shaped by conditions on the ground. We will continue our unprecedented security consultation and cooperation with the Israelis as we move forward.

This President is not going to take military action unless it is absolutely necessary. But I think the Iranians know full well that he is committed to preventing them from obtaining a nuclear weapon.

Q: Did the President rebuff Prime Minister Netanyahu's request for a red line?

The President has always been clear about his red line. He is determined to prevent Iran from acquiring a nuclear weapon and that all options are on the table in pursuit of that goal. We share the same objective as the Israelis, and there is no daylight between us on that matter of stopping Iran from obtaining a nuclear weapon.

Q: Why did the President refuse to meet with Prime Minister Netanyahu at UNGA?

President Obama is in frequent contact with the Prime Minister, as you would expect given his commitment to Israel's security and the range of challenges in the region. And when they need to speak to each other – they do so. We also talk regularly to our Israeli counterparts at all levels of government.

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Just the other day, when reports of tension came up in the press, the President was able to pick up the phone and call the Prime Minister and speak to him for an hour. They agreed on their commitment to prevent Iran from obtaining a nuclear weapon. And they agreed to stay in close contact in the days to com

They did look at whether it would be possible to meet. But the fact is, they're just not going to be in New York at the same time – the President will be there at the beginning of the week, Bibi will be there at the end of the week. So their schedules just don't match up.

If pressed: Did he seek a meeting in Washington?

My understanding is there wasn't a request to meet in Washington. What I know is that they're not in New York at the same time during UNGA. I don't have any other scheduling updates, but I am certain that they'll remain in close contact

From: Vega, Dag
Sent: Friday, September 14, 2012 7:11 PM
To: Rhodes, Benjamin J.; Vietor, Tommy; Plouffe, David; Pfeiffer, Dan; Carney, Jay; Palmieri, Jennifer; Earnest, Joshua R.; Govashiri, Ferial; Ledbetter, Howli J.; Selak, Dawn; Brundage, Daniel; PeltonE@state.gov; Alhassani, Mehdi K.
Subject: PREP CALL with Susan: Saturday at 4:00 pm ET

We plan to hold a call on **Saturday at 4:00 PM ET** to help prepare Susan for her interviews on the Sunday shows. She will appear on all of them.

Here are the numbers:
Phone Number: [redacted]
Passcode: [redacted]

Here are the promos.

NBC MEET THE PRESS

Obama's Foreign Policy Test

The race between President Obama and Governor Romney has entered new territory as the deadly attack on a U.S. consulate and the continuing anti-American protests overseas have forced foreign policy back into the spotlight. How does the Obama administration plan to respond? Plus, is the U.S. still a reliable ally to Israel against Iran? U.S. Ambassador to the United Nations Susan Rice will join us.

ABC THIS WEEK

After four Americans were killed Tuesday, including U.S. ambassador to Libya Christopher Stevens, in an assault on the U.S. consulate in Benghazi, questions remain about what sparked the violence – a controversial anti-Islamic film, or a planned attack by Al Qaeda militants? As American embassies throughout the region remain under fire, did the U.S. do enough to prevent attacks in Libya, Egypt, and Yemen? How will the ongoing protests and violence across the region impact U.S. relations and standing in the Middle East?

U.S. Ambassador to the United Nations Susan Rice speaks to ABC News senior White House correspondent Jake Tapper, Sunday on "This Week."

CBS FACE THE NATION

U.S. Ambassador to the U.N. Susan Rice

The latest on what's happening abroad and what it means for the region and the international community with U.S. Ambassador to the United Nations Susan Rice.

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FOX NEWS SUNDAY

Anti-US protests are spreading across the Arab world days after a deadly attack on the consulate in Libya. What should the US involvement be in the trouble region? Chris Wallace discusses the situation with Susan Rice, the U.S. Ambassador to the U.N.

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EXHIBIT 11

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REP. MIKE D. ROGERS HOLDS A HEARING ON BENGHAZI AND THE OBAMA ADMINISTRATION

April 2, 2014 Wednesday

EVENT DATE: April 2, 2014

TYPE: COMMITTEE HEARING

LOCATION: WASHINGTON, D.C.

COMMITTEE: HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

SPEAKER: REP. MIKE D. ROGERS, CHAIRMAN

WITNESSES:
REP. MIKE ROGERS, R-MICH. CHAIRMAN
REP. C.A. DUTCH RUPPERSBERGER, D-MD. RANKING MEMBER
WITNESSES: MICHAEL MORELL, FORMER ACTING DIRECTOR, DEPUTY DIRECTOR, CIA
REP. ADAM B. SCHIFF, D-CALIF.
REP. LYNN WESTMORELAND, R-GA.
REP. MAC THORNBERRY, R-TEXAS
REP. MIKE THOMPSON, D-CALIF.
REP. JEFF MILLER, R-FLA.
REP. JAN SCHAKOWSKY, D-ILL.
REP. K. MICHAEL CONAWAY, R-TEXAS
REP. JIM LANGEVIN, D-R.I.
REP. PETER T. KING, R-N.Y.
REP. FRANK A. LOBIONDO, R-N.J.
REP. DEVIN NUNES, R-CALIF.
REP. MICHELE BACHMANN, R-MINN.
REP. JOE HECK, R-NEV.
REP. MIKE POMPEO, R-KAN.
REP. TOM ROONEY, R-FLA.

TEXT:

ROGERS: Call the committee to order. Today, we continue the committee's

was gonna take that warning language out. So, the next morning, Saturday morning I come in and my executive assistant tells me that the state department is very upset about the warning language as well and as a result the talking points are in limbo. They are stuck. He also tells me that because of that, then deputy national security advisor, Denis McDonough, wants to talk about the talking points at the deputy's meeting scheduled for that morning.

So, we have the deputy's meeting and Denis never raises the talking points. At the end of the meeting, Denis goes around the table gives everybody around of -- the horn, because we were on the (inaudible), gave everybody the opportunity to...

ROGERS: I'm sorry. Denis?

MORELL: Denis McDonough, deputy national security advisor at that time.

ROGERS: He wasn't the current chief?

MORELL: He gave each of us an opportunity to say one more thing, what I said at that point was look, I'm aware that inner agency concerns at the talking points. I have my own concerns with the talking points. I will edit them and I will send them back around for a final coordination before we send them to the committee.

So what you are looking at here is what I did. I'm responsible for the changes on this piece of paper. The names you see are the names of the individuals who I wanted to send the talking points to one more time before we send them to you. So, let me go through them.

So, first you see NCSNDI (ph). What I wanted to make sure it's that the final version of the talking points were OK from the perspective of our operations officers and from the perspective of our analysts and I was most interested in knowing that they were OK from the perspective of the director of OTA who you know that you and I both have great respect for.

Then, let's go down the names. Robert Cardillo was and is the number three in the office of the director of national intelligence. He represents the DNI and deputies views. Pino was the intelligence officer for the Middle East. He was at that deputy's meeting.

Matt Olsen was and is the director of the national counterterrorism center. Jake Sullivan was then the head of policy planning at the state department and is now the vice president's national security adviser. Mark Juliano was head of the FBI's national security division. Lisa Monaco was head of the department of justice national security division and Ben Rhodes was the spokesperson for the National Security Council -- staff.

ROGERS: So, during any of those conversations with anyone on that list no one including the spokesperson for the National Security Council indicated that there need to be changes for any reason whatsoever?

MORELL: So, I never spoke to any of these people. We only sent them an e-mail.

The changes that were suggested by the national security staff was at that point and at that point they had made two suggestions earlier in the process before I was even aware that the talking points existed but at that point in the process they only change that the national security staff suggested was a change

that was suggested by Ben Rhodes to change the word consulate to diplomatic post and he suggested that change for accuracy purposes since it was technically not a consulate. That is the only change that was suggested at that time to the talking points.

ROGERS: Did anyone tell you that the talking points were going to be used for Susan Rice?

MORELL: No, sir.

ROGERS: And the ambassador of the United Nations?

MORELL: No, sir.

ROGERS: Did anyone tell you that -- in the subsequent days on September 15th once you realized that there was a fairly extensive description of why the conclusion was that it was not a protest on the 15th. Did that information ever make it into the hands of the individuals who would have provided those talking points to Susan Rice?

MORELL: I'm sorry, sir. I don't follow.

ROGERS: On September 15th, your chief station sent a very detailed communication to you and your staff indicating all of the reasons that he believed that this was an extremist attack that was had some level of preplanning. Did that information ever make it to the individuals on the list? Did they ever hear about this conversation from you or from the agency?

MORELL: Yes. So, the detailed e-mail sent by the chief station on the morning of the 16th, what I did with that was two things. The first thing I did with that was immediately sent it to the analyst and say, so now what do you think and the analyst responded to that e-mail hours later saying, look we are sticking to our judgment.

The second thing I did was to send that document to Dr. Petraeus and I think my note to him said something like, sir, I do not know what to make of this discrepancy between the station chief and the analyst.

I have asked the analyst to look at it and I believe his response was let's see what the analysts say. I do know that either the Monday or Tuesday of the following week just as I had given the deputies a heads-up that this was an issue I told the deputies orally that the analysts had looked at the issue and that they were sticking with their judgment that there had been a protest.

ROGERS: So, with all of your training and all of your experience your gut reaction did you believe that was the right decision?

MORELL: So, I believe what my analysts said that there was a protest. I also believed it to be a terrorist attack. You see, we never saw those two things as mutually exclusive. And so, I believe both of those at the same time.

ROGERS: Knowing what you know now would you have been surprised that many of the eyewitnesses that we've talked to said they were surprised by the narrative on Sunday the 16th? They were shocked, members of your organization, that were -- I think the word was shocked.

MORELL: Yeah. I'm a little surprised by that quite frankly because if they were members of my organization, then they would have seen the analysis written on the 13th that said there was a protest and said the attack evolved spontaneously from the protest. So, if they were shocked on Sunday when they heard that they should have been shocked on Thursday the 13th when they read it.

ROGERS: And you are familiar with the executive, on the 12th something that I received in red, did say that it was likely not opportunistic. It was because of the description of the armed insurgency that in fact on the 12th was in fact, on that day so there was a different narrative from the folks on the ground than there was by the analysts here.

And you can imagine how that creates confusion and the investigators and why some might draw that conclusion at the height of a political campaign that maybe something doesn't look right here giving the folks on the ground and the testimony those on the ground were completely different from what the analytical product was including on the 15th which was a detailed e-mail highlighting the differences of opinion on this particular case from the folks who were on the ground during the event.

MORELL: Chairman let me actually read you what that piece on the 12th said. It said the presence of armed assailants from the incidents outset suggest that this was an intentional assault and not an escalation of the peaceful protests. Very interesting.

Here is what really happened though. So, the analyst who wrote the piece in the very, very early morning hours of the 12th mind you, the attacks had just occurred, and the analysts were putting together what we call a situation report. When the analysts finished with the piece and when the analyst went home, that sentence was not in there.

That sentence was added by one of the editors after the analyst left. The editors said that she thought there need to be a bottom line. She was a trained military analyst and she wrote that sentence. When the analyst came in the next morning they were very unhappy that sentence had been added and they complained about the addition of that sentence.

So, that's what happened. It was a bureaucratic mistake. No politics. I can certainly understand the confusion it created and in retrospect what we probably should have done was when we wrote the piece on the 13th was to make it clear how the language evolved from what was said on the 12th to get rid of that confusion. I agree with you 100 percent.

ROGERS: I'm not sure I would call it a bureaucratic mistake if the analyst was right.

MORELL: But that analyst was not an analyst, was not a counterterrorism analyst, was not an analyst on Benghazi. It was not looking at the issue. She was acting as an editor and she added a judgment that she had no right to add.

ROGERS: Maybe on that training, on your time, you can ask the question -- I just want to ask again -- we have a lot of questions here. Have a lot of questions here and I will pass out to members, I have some at the end. At any time, did you have any verbal conversation with anybody at the White House about what the nature of those talking points were and what they need to look like?

MORELL: No, sir.

ROGERS: At any time did you have any conversation with anybody at the White House and I mean anybody, that had anything to do with preparing Susan Rice for going out in being the face for America on that September 16th?

MORELL: No, sir. In fact, I didn't even know she was of gonna be on the Sunday shows.

ROGERS: And no one asked you to prepare talking points for her?

MORELL: No, sir.

ROGERS: No on ask the agency either through the director or your self to prepare any documents for her?

MORELL: No sir.

ROGERS: What she briefed by the agency or has informational on materials available from all of the materials we discussed. that she have any of those materials...

MORELL: I believe she had talking points.

ROGERS: Just the talking points?

MORELL: I believe she had the talking points but she would have also had access to all of the intelligence information that she had received in the days before.

ROGERS: Would that have included the September 15th analysis from your chief of station on the ground?

MORELL: No.

ROGERS: Why not?

MORELL: Because that was not disseminated outside of the CIA.

ROGERS: Don't you think that was an important document to get into the hands of someone who is going to brief the country on what's actually happening on the ground?

MORELL: Like I said, he gave two reasons why he believed what he believed. Like I said, I know -- I did not find either one of them compelling. Like I said, I asked him for more information. It took him 24 hours to produce that.

Once he produced that, I asked the analyst to re-look at their judgment. They did within hours. They stuck to their judgment and like I said, I did give the deputies and oral heads up that the station chief had a different view.

ROGERS: I have more questions. I know there are a lot of folks that want to ask questions. I'll be back at the second round if I may. Thank you very much.

RUPPERSBERGER: Mr. Chairman, Mr. Schiff had to go to a hearing. I would like to be in regular order and give my time at this point to him and then go back to regular order. Is that OK?